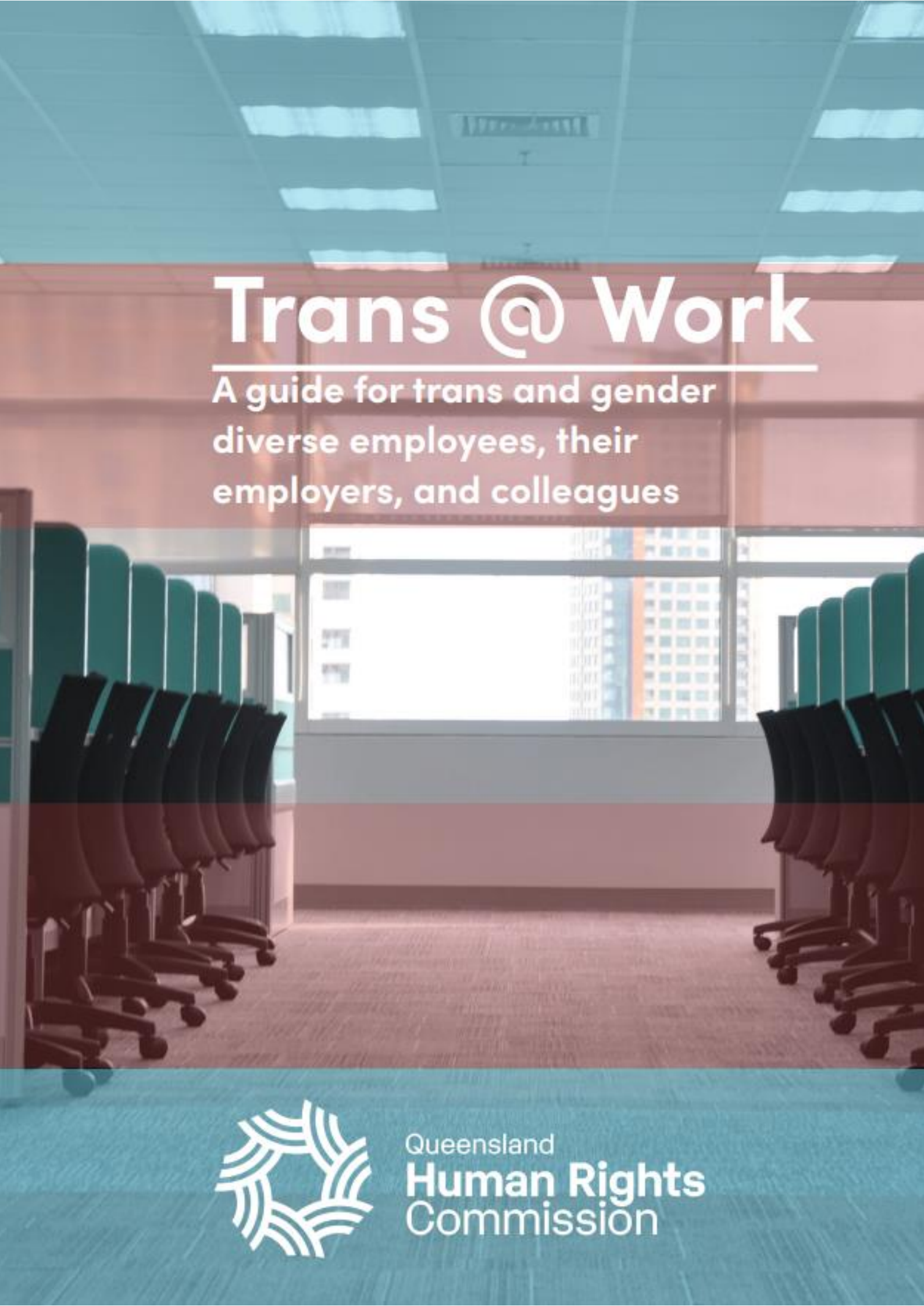

Trans @ Work

A guide for trans and gender diverse employees, their employers, and colleagues

Queensland
Human Rights
Commission

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This publication is for trans, non-binary and gender diverse employees, their employers, managers and colleagues who are seeking guidance when an employee has decided to affirm their gender at work.

We suggest ways to:

- **work together to achieve a successful affirmation in the workplace;**
- **address pre-employment issues; and**
- **provide ongoing support to trans employees.**

Discrimination and gender identity

Gender identity is a protected attribute under the Queensland Anti-Discrimination Act 1991 and employers must not directly or indirectly discriminate against an employee because of their gender identity.

The Queensland Human Rights Commission helps resolve complaints about discrimination.

Why is a trans inclusive workplace important?

For the employee:

- staying in employment;
- maintaining self-respect;
- having financial security.

For the employer:

- improving staff satisfaction and retention through modern, inclusive workplace policies;
- enhancing public image of the organisation;
- reaching new client groups;
- improving teamwork, diversity of thought and productivity;
- complying with state and federal discrimination legislation, including the *Anti-Discrimination Act 1991* (Qld).

A trans, non-binary or gender diverse person may not feel comfortable talking about their gender expression, identity or sex characteristics with work colleagues or managers. It is usually not necessary to know personal information to support a trans, non-binary or gender diverse person in the workplace.

Terminology

We understand that terminology is important and we aim to be as inclusive as possible.

In this guide we use the terms trans, non-binary and gender diverse to acknowledge that there are many identities in the gender diversity spectrum.

In the context of this guide, the word trans is used as an umbrella term that includes all identities within the gender identity spectrum, including (but not limited to) people who identify as transgender, transsexual, gender queer, gender fluid, non-binary, sistergirl, brotherboy, trans man or trans woman. While this is appropriate when talking about people with identities within the gender identity spectrum as a wider group, it should be noted that at an individual level, not all of these people will use the word trans to describe themselves and it is best to use the same language an individual uses to describe themself.

Gender means something different to each person. Gender identity, gender expression and sex are all different concepts. We have outlined the meaning of the terms you might encounter.

Terms used

Gender is part of how a person understands themself. A person's gender does not necessarily mean that they have particular sex characteristics.

Sex means whether a person is male, female, non-binary or another sex.

Gender identity means a person's understanding of themself as male or female, or another identity along the gender spectrum. It affects how they perceive themself, and what they call themself. Gender identity can be a fixed and unchanging characteristic for some, however it can also be fluid or evolving for others.

> *Note:* For the purpose of unlawful discrimination, gender identity under the Anti-Discrimination Act is defined as:
>
> > a person's internal and individual experience of gender whether or not it corresponds with their sex assigned at birth and includes a person's:
> >
> > - personal sense of the body
> > - if freely chosen, modifications of their bodily appearance or functions by medical, surgical or other means
> > - other expressions of gender, including name, dress, speech and behaviour.
>
> To be clear, the definition is based on self-identification rather than legal paperwork including identity documents.

Gender expression is the way in which a person communicates their gender identity to others through behaviour, clothing, appearance, voice, and other forms of presentation. The Anti- Discrimination Act protects a person from discrimination based on their gender expression within the attribute of gender identity. See also – gender identity in this section.

Gender diverse refers to people who do not prescribe to binary roles or normative standards of gender identity and/or gender expression. Other identifications that may be used are gender fluid, gender non-conforming, gender questioning, or genderqueer.

Gender fluid means that a person's gender identity and/or gender expression are not fixed. Some gender fluid people feel very masculine on some days, and feminine on others, while some live free from definition entirely.

Non-binary is used to describe genders that do not fall into binary definitions of male or female. Non-binary people may see their gender as falling somewhere on the spectrum between male and female, or outside of this binary altogether. Non-binary is not a synonym for 'transgender' and should only be used when someone self-identifies as non-binary.

Affirming gender means affirming the gender that matches a person's gender identity. For example, if a person was assigned male at birth and identifies as female, the person affirms their gender as female.

Many trans, non-binary or gender diverse people prefer the term 'affirm' to the term 'transition'. Transition suggests a person is changing their gender from one to another, when it may be the gender they have always identified with. It is best to ask which way a person prefers to describe themselves.

Gender affirmation usually involves a person changing aspects of themselves to better match their gender identity. Gender affirmation looks different for everyone depending on what is personally affirming, what feels safe to do, depending on the context, and what is accessible and available to the person.

Medical affirmation is the process by which a person changes their physical sex characteristics via hormonal intervention and/or surgery to more closely align with their gender identity.

Social affirmation is the process of making others aware of one's gender identity, changing name and pronoun in social settings, and changing gender expression.

Legal affirmation refers to the changes a person makes to their legal records and documents to better align with their gender identity.

Cisgender is a term used to describe people whose gender is the same as that assigned to them at birth. For example, a person assigned female at birth who identifies as a woman, or a person assigned male at birth who identifies as a man. 'Cis' is a Latin term meaning 'on the same side as'.

Gender dysphoria is a recognised medical condition in which a person's sex assigned at birth does not match their gender identity or expression, resulting in impaired functioning in daily life. One treatment for gender dysphoria is for the person to undergo a gender affirmation process. Not all trans, non-binary and gender diverse people have gender dysphoria and of those who have dysphoria, for many it ceases with access to gender affirming health care.

Transgender (or trans) means that a person does not identify with the sex assigned at birth.

Misgendering occurs when someone uses a gender, title or pronouns to refer to a person that does not correctly reflect the gender they identify with.

Deadname is the name a trans, non-binary or gender diverse person used before their gender affirmation. Deadnaming is where a person is called by the name they no longer use. It can be distressing to the person to use a former name as this may be perceived as denying their gender identity.

Information for trans employees

This information is for trans, non-binary or gender diverse people who have decided that it's time to start socially and legally affirming your gender in the workplace, such as through telling people about your gender and changing the way you refer to yourself and how others refer to you.

Affirming your gender at work

You have the right to be yourself at work. You also have a right to feel safe in your workplace. If you have decided you want to start presenting as your gender at work, this guide will help you get started.

Good communication is essential to a successful affirmation at work. As difficult as it may be to have that first conversation with your manager or human resources officer, you will need to involve these people for a successful affirmation.

Work with your manager as much as possible; be prepared to answer any reasonable questions and provide your input into how the process will work best for you. Be aware that your manager and human resources department may have never assisted someone to affirm their gender at work. While communication is essential, you should never feel forced to provide personal information that is not relevant to the support you require at work.

Planning the affirmation

We recommend that, when you feel ready to affirm your gender at work, that you work out a plan with your manager or HR officer to make sure your expectations are considered and to support the process for you and your colleagues.

A poorly planned (or unplanned) affirmation can lead to communication breakdowns, misunderstandings and insensitive treatment of you by colleagues. If you don't explain your needs or concerns to anyone, they cannot be addressed.

If you are changing your name, it will mean that a new identity card, email address, computer logons, IT access and payroll details will have to be arranged. Usually your manager will be able to advise you on the best way to go about this. However, if you don't have a good relationship with your manager, consider asking for another person you are more comfortable with to help you through making these necessary changes. You can also ask for a support person to be present for planning meetings.

Support person or ally

A support person or ally in your organisation can help you through your affirmation. If you have an open-minded and supportive colleague, they could also take on this role. If there is no one at work, you may be able to ask someone outside the organisation or you could try to contact your Union, especially if they have an LGBTIQ+ network.

To prepare for your workplace affirmation, you could start by coming out to just one person at work first. If you're not ready to make this information known to everyone just yet, and twould like it kept confidential, you should make this clear to the person.

Names and pronouns (she, he, they)

Consider developing a standard response to say to people if they get your name wrong, or use the wrong pronoun (such as using he instead of she). Be prepared for slip-ups, but also correct people if they keep getting it wrong. Complain to your manager if there are repeated and intentional incidents of misgendering because this may be unlawful discrimination.

It may help to change your email signature to include your pronouns. This may help as a reminder for staff. You could also find a cisgender ally who could pave the way by changing their signature to include pronouns. The Commission has a guide to pronouns and explains the benefits of including pronouns in email signature blocks. This guide could be provided to your employer if they aren't sure about how and why to include pronouns in email signature blocks.

Toilets, change rooms and end of trip facilities

You have the right to use a toilet, change room and/or end of trip facility that reflects and affirms your gender. Some trans people prefer initially, or even in the long term, to use a unisex/accessible toilet. This is a personal choice, and you should not be told that you cannot use the toilet that matches your gender; and you shouldn't be required to use an accessible toilet if you do not wish to do so.

Gender diverse (non-binary) employees are entitled to use toilet and change room facilities that they feel are appropriate and safe for them.

Be aware that toilet use can raise concerns for colleagues, so explain your needs to your manager. If you are concerned about any negative reactions, this is one of the messages that could be given to your colleagues up front and before you start using the toilet that matches your gender. To be clear, it is up to you which toilet you wish to use and what personal information is shared with colleagues.

Uniform and dress standards

If your workplace has a uniform, you should be allowed to wear the uniform that reflects and affirms your gender. You should not be asked to continue dressing in a uniform that does not match your gender identity.

If your workplace requires a professional standard of dress, it is reasonable to expect you to dress appropriately in corporate clothing in line with what others of your gender wear. Similarly, if your workplace requires protective clothing, shoes etc., you will have to meet the expected standard for workplace health and safety in the way you dress. However, if there are different expectations on you compared with cisgender employees just because you are trans, non-binary or gender diverse, this might be discrimination.

Co-worker reactions

Be prepared for co-worker reactions to your affirmation — whether good or bad. Most people are not well educated about trans, non-binary and gender diverse people, and although it is not your role to educate others, you may need to set some clear boundaries with people about what is not okay, and what is acceptable to you. It is important to tell people if they are making you feel uncomfortable or crossing a line with their comments, questions or actions towards you. If there are persistent issues, discuss them with your manager.

You can use the 'Information for colleagues' section of this guide as a handout, or as the basis for a talk with colleagues.

Records, logins and email address

If you are changing your name, think about what changes you will need to make for ID cards, work badges, email addresses and computer access, and discuss the date you would like these changes to be made. You may also like to request to change your gender on personnel files.

You should not be required to formally change your gender with the Registry of Births, Deaths and Marriages prior to system changes being made.

Information for employers: trans staff

Why is getting it right so important?

For many trans and gender diverse people, affirming their gender and presenting as themselves at work can be the final frontier.

In many cases the person affirming their gender will have presented as themselves in non-work situations, such as in their private lives with friends and family.

Work is a major part of a person's life. It is not only about livelihood, but influences a person's feeling of self-worth. After affirming their gender, the reality is that trans and gender diverse people often face prejudice when trying to get work, particularly at the interview stage. For this reason many trans, non-binary and gender diverse people prefer to stay in their existing jobs; but even so, may still be fearful of losing that employment.

The employee may have real fears about the process ahead, and may look to you for support and guidance.

Recruitment

Visible inclusion policies

Trans and gender diverse employees may seek out employers who promote themselves as inclusive employers. Many company or organisation websites have inclusive hiring statements, but not all include statements about equal opportunity for people of diverse genders and gender identities. Consider adding a few words to your company's equal opportunity hiring policy and non-discrimination policy.

Gender identity can be specifically included in anti-discrimination policies to make it clear to other employees what the expectations of them are. Gender identity is a protected attribute under *Queensland Anti-Discrimination Act 1991* and also under the federal *Sex Discrimination Act 1984*. You may be able to simply add the words gender identity and gender expression to your existing list of protected attributes, if they are not already there.

Here are some suggestions for text that you could include in your policy:

> *[Organisation name] fosters diversity, inclusion and respect in the workplace.*
>
> *We recognise, appreciate and utilise the unique insights, perspectives and backgrounds of each staff member, including gender diverse employees.*

> *[Organisation name] promotes equal opportunity for all staff, including gender diverse employees.*
>
> *We hire and promote staff based on their ability, and not because of a person's attributes (such as age, race, sex, impairment, religion, sexuality, family responsibilities, gender identity, political beliefs etc.)*

> *[Organisation name] cares about treating people with dignity and respect in ways that acknowledge and engage diverse backgrounds and ideas.*

Our policies, practices and behaviours foster a safe and inclusive workplace, and promote equitable and collaborative relationships.

At [Organisation name] we hire diverse staff who will contribute to this mission, including people who identify as LGBTIQ+.

Inclusive forms

For cisgender people, filling in a form with only male or female tick box options is uncomplicated.

However, having only the male and female binary options is confronting and frustrating for gender diverse people. It also reflects badly on the organisation, and may create the impression that it is not an inclusive employer.

You may also question the reason for asking a person's sex or gender, and whether the information is necessary. If it is being asked for a legitimate reason, such as to record demographic details of the staff to promote diversity and inclusion it is important to explain that is why the information is being sought. It could be an optional question, or you could have an open text box for individual responses, for example.

- ☐ *Male*
- ☐ *Female*
- ☐ *Non-binary*
- ☐ *Different term (please specify)* _____

Job interviews

If you are unsure about how a person being interviewed would like to be addressed (that is, as he, she or they), it is okay to ask the person which pronouns they use. If the person corrects you, use the pronouns they have specified. Sharing your own pronouns when introducing yourself is a good way to indicate it is safe for the person to provide their pronouns and that this will be respected.

Questions about a person's gender identity or expression during an interview are unwise if they don't relate to the person's ability to do the job. If a person has been asked about their gender identity during an interview and doesn't get the job, they may feel that the reason behind the decision was their gender identity, rather than merit.

Managing a workplace gender affirmation

If an employee advises you that they are undergoing a gender affirmation, this section will provide you with advice and practical tools to ensure a successful affirmation at work.

Appointing a case manager

We recommend that you have a case manager in charge of managing a workplace affirmation. This person will be the primary contact for the trans, non-binary or gender diverse employee, and give colleagues someone to talk to on a confidential basis, if any issues arise. This prevents the trans, non-binary or gender diverse from fielding questions, or from having to educate cisgender employees about inclusion.

The right person for the job is someone who is open, compassionate and sensitive. They should also be an effective communicator who is prepared to listen to all employee needs. The case manager should also be confident to deal with any conflict that may arise with colleagues about matters such as use of toilets and change rooms.

Support person or ally

Ask the employee if they would like someone to be a support person or ally during the process. This could be a colleague that they have a close relationship with, or an external person such as a partner, friend or family member. They could also be another trans, non-binary or gender diverse person or someone from the LGBTIQ+ ally network, if you have one.

Questions to ask

Ask the trans, non-binary or gender diverse person what their preferences and intentions are. The person may have firm views about their gender affirmation, or they may be unsure what exactly they want to happen. Before coming to any conclusions about the best way forward, have open discussions about options and consider what will work best for everyone.

Does the person want to set a date from which they will start presenting as their gender, or would they prefer it to happen over time? Does the date give enough time for practical measures to be put in place?

Will the person have a new name and/or pronouns? What are these, and when should managers and staff start using them?

Does the person want to announce their affirmation to colleagues themself? Would they like this information to be shared by email, or would they like a meeting to be held in their absence where the information is provided to staff?

Are there any resources about trans and gender diversity matters that could be made available to staff?

How should questions from staff be addressed? Should staff be directed to the trans, non-binary or gender diverse person themself, to human resources, or a case manager? (This might depend on what the issue is)

Options to discuss

Here are some options to discuss with the employee. Consider the pros and cons of each option together.

- ☐ the employee informs each staff member themself on a one-on-one basis (note: this may be more practical in a small workplace)
- ☐ the employee informs only some trusted staff individually
- ☐ a staff meeting where the employee announces and discusses their gender affirmation with the group
- ☐ a staff meeting (with or without the employee present) where a manager, human resources person or other person of authority informs staff
- ☐ an email notification to staff and relevant stakeholders to be sent by the employer or employee

- [ ] a video presentation made by the employee
- [ ] a presentation from an external presenter (such as the Queensland Human Rights Commission) or a member of the trans, non-binary or gender diverse community who has personal experience. For more information about training offered by the Commission, email training@qhrc.qld.gov.au or call 1300 130 670.

Common issues

Toilets, change rooms and end of trip facilities

A trans employee should be allowed to use a toilet, change room and/or end of trip facility that reflects and affirms their gender.

They may express a preference to use a unisex or accessible toilet, but should not be required to use one if they do not wish to do so. Cisgender employees are not required to use a unisex toilet, so neither should a trans, non-binary or gender diverse employee.

Also, do not direct a trans staff member to only use a toilet on another floor, or a toilet outside the office space. If the trans person is treated differently from others, there is a risk that this may be direct discrimination.

Ask the staff member at what point they would like to start using the toilet of their choice, or whether they would prefer to use a unisex toilet in the short or long term.

Uniform and dress standards

If the workplace has a uniform, a trans employee may need a new uniform. They should not be expected to continue dressing in a uniform that does not match their gender identity.

If you require a professional standard of dress in the workplace, it is reasonable to expect the employee to wear appropriate corporate clothing in line with what other people of their affirmed gender wear at work.

If you require protective clothing, shoes etc., the employee will also have to meet the expected standard for workplace health and safety in the way they dress. However, make sure that there are not different standards or expectations for a trans, non-binary or gender diverse employee compared with the cisgender employees.

Affirming gender is not like flicking a switch; it is a process that can take time.

A trans, non-binary or gender diverse employee may experiment with levels of masculinity and femininity, and style of dress until they find what works best for them. This is not about the person seeking attention, but finding themself in their gender identity.

Records, logins and email address

A trans person will often change their name to reflect their gender.

Name change

People born or adopted in Queensland, who are over the age of 18, can apply to change their legal

name through the Registry of Births, Deaths and Marriages. This service is also available to people born overseas who have lived in Queensland for the past 12 months; but people born in other Australian states have to apply to the state in which they were born.

Name changes can take time and might be onerous. Employees born overseas who have been in Australia for a short time will not be able to change their name without great difficulty. Employees under 18 years might also have significant challenges if they do not have the support of parents or carers.

For these reasons, the employer should make the process for employees to change their name on all documents aside from official records (such as superannuation and tax) as simple as possible, as soon as the person requests the change. The documents that can be more quickly changed include email addresses and signatures, name tags and ID cards. Formal documents such astax or superannuation funds might require formal name changes – you might need to assist the employee with this process (explained further below).

Refusing to change records can cause distress to a trans, non-binary or gender diverse employee and it also might amount to unlawful discrimination.

Birth certificate

A person can apply to note a change of sex on their Queensland birth certificate. The application must include a statement from the person and a supporting statement from an adult who has known the person for at least 12 months. This process no longer requires the person to have undergone “sexual reassignment surgery”.

Your employee may request changes about how their sex / gender is recorded on human resources systems prior to 12 months elapsing for the person to be eligible to change their record with the Registry of Births, Deaths and Marriages. These changes should be made as soon as possible, and there should be no need to wait for a person to formally change the sex registered on their birth certificate.

Driver licence and passport

Driver licences in Queensland no longer include gender markers. Once a person has changed their legal name, they can apply to change their personal details on a Queensland driver licence.

Australian citizens can change the name on their passport but only once their name has been changed with the Registry of Births, Deaths and Marriages. A trans, non-binary or gender diverse person does not have to have undergone surgery to get a passport issued in their gender, but needs to provide either evidence from the Registry of Births, Deaths and Marriages, or a statement from a medical practitioner or psychologist confirming their gender. The options that a person may select are male, female or X.

Australian Tax Office and superannuation records

The Australian Tax Office (ATO) has procedures for updating details of name and gender on their records. A trans, non-binary or gender diverse employee can change their name with ATO with a myGov account and with a birth certificate, marriage certificate or change of name certificate.

To change gender information with the ATOthe trans, non-binary or gender diverse employee should provide a statement from a medical practitioner, or a valid passport specifying the amended gender, or an amended birth certificate.

Once the trans, non-binary or gender diverse employee has changed their ATO records, they will be able to contact their superannuation fund to change the details on those records.

In-house details

The trans, non-binary or gender diverse employee will need to change all their records to their new identity. Changing records is a process that will involve the employer and employee working together. Avoid unreasonable delays as this may cause unnecessary distress for the affirming employee. The in-house records that usually have to be changed or reissued are:

- email account;
- computer login;
- ID card or badge;
- payroll and/or personnel records; and
- payroll.

It is not appropriate to insist that a trans employee registers a change of sex with the Registry of Births, Deaths and Marriages before you allow a change to their employment records. It is a common misconception that a person must formally change their sex with the Registry before they have protections under discrimination law – but this is not the case.

Leave

As a manager, you do not need to know if a person is undergoing hormone treatment, surgery or counselling. Only discuss it if the employee raises the issue themself. Gender affirming care is not needed or chosen by all trans, non-binary and gender diverse people. This is highly sensitive information. You would not ask a cisgender woman about a gynaecological procedure; it is simply information you do not require as their manager.

However, a trans, non-binary or gender diverse employee may require some flexibility when it comes to taking time off for a number of reasons (including medical appointments and surgery, or to take some time before presenting as their gender in the workplace for the first time).

Not all trans people have gender dysphoria but for those who have disclosed that they do, employers should be aware that it is a recognised condition, and as with other medical conditions, an employer needs to make reasonable adjustments to allow leave to occur.

When a person starts hormone treatment, they go through an experience similar to puberty. This may affect mood in some people, but the effects will decrease over time. Be patient as the person adjusts to the hormones, and be mindful that behavioural changes will settle down in time.

Co-worker reactions

Be prepared to manage co-workers' reactions when a employee is taking steps to affirm their gender, such as through changing the way they present their gender at work. Most people are not well educated about gender diversity, and you should be prepared to educate your staff. You can use the Information for colleagues section in this resource as a handout, or as the basis for a discussion with the employee's colleagues.

Try to provide this information sooner rather than later so that employees are clear about what the expectations of them are. If there are negative reactions by co-workers, the organisation risks being vicariously liable (under the Anti-Discrimination Act) for the actions of employees.

Here are some tips:

- **Develop** standard responses to employees who raise issues about toilet use and physical appearance.
- **Encourage** staff to raise concerns privately with the case manager, so that the affirming staff member is not placed in an uncomfortable or harmful position.
- **Anticipate** that misgendering or deadnaming is likely to occur by accident to begin with; but be aware that these mistakes can be hurtful to a trans, non-binary or gender diverse person. Any consistent and intentional misgendering or deadnaming could be unlawful discrimination.
- **Consider and plan** for what consequences there may be for a co-worker who treats a trans, non-binary or gender diverse employee unfavourably.

External relationships

Provide basic information to people who interact with your employees and will be required to know about information such as name changes, such as security staff. The trans, non-binary or gender diverse employee may have an external client or customer group that they regularly deal with.

Have a standard response ready in case a client or customer asks for the person by their former name. If there are ongoing relationships, one option is to send an email to key stakeholders about name changes, or that a person will now go by different pronouns from before. Alternatively, the employee may wish to handle these interactions themself.

This is something to discuss with the employee to determine their preference.

Confidentiality

Talk with your employee about whether they are comfortable with disclosing their gender identity and to whom, and in what situations. For practical reasons, colleagues present around the time that a person starts to affirm their gender will become aware of that a person is trans, non-binary or gender diverse. However, there is no good reason for a new employee who knows the person as their gender now to be told about the employee's gender identity. This is private information that should only be shared by the employee, in their own time, if at all.

Possible discrimination risks for an employer

Moving an employee to a different position in the organisation (when not requested) may be seen as unfavourable treatment.

Requiring a staff member to use a toilet or change room that does not match their affirmed gender is gender identity discrimination.

Refusing time off for medical appointments could be impairment or gender identity discrimination.

Refusing to organise a name change at the employee's request on personnel files, emails, ID cards and other documents could be indirect discrimination.

Information for colleagues: trans co-workers

Name and pronouns

The most important way you can respect your trans, non-binary or gender diverse colleague is by consistently using their name and pronouns.

She/her are pronouns are often used by people who identify as female while he/him are pronouns often used by people who identify as male. They/them/theirs are common gender neutral pronouns often used by gender diverse and non-binary people, and some people use other gender-neutral pronouns too.

A person's pronouns may not always align with those typically used by a person of the same gender identity or gender expression. Care should be taken not to assume a person's pronouns based on their appearance.

If you make a mistake, don't make a big deal of it. Apologise and get it right next time, such as by saying 'thanks for reminding me, sorry about that'. It's better not to pretend that it didn't happen by continuing on with the conversation without acknowledging it happened.

You can support your trans, non-binary or gender diverse colleague by politely addressing misgendering (using the wrong pronouns) when you hear it.

If you aren't sure about someone's pronouns, it's okay to ask. One way to do this is to say, 'my name is Sam and my pronouns are he/him'. You could also just ask the question 'what pronouns do you use?' or 'how do you want me to refer to you?'.

Some people have pronouns like he/they, which indicates that they accept the use of either he/him or they/them. If you are not sure which pronouns they prefer over these two options, it's okay to politely ask.

You may consider adding your pronouns to your email signature block. When cisgender people include their pronouns in email signatures, it signifies that anyone stating their own pronouns will have them respected. Including pronouns in signature blocks can help current and future employees to easily and safely communicate their pronouns in their workplace, and send a signal to any external stakeholders that they can expect a respectful and inclusive conversation regardless of gender.

The past

When you talk about the time before your colleague's affirmation, be careful to avoid deadnaming (using their prior name) or using statements such as 'when you were a male/female…' because the person may feel that they have always been their gender and are simply affirming and presenting as their gender now.

If you have a long work history with the person, you may talk about experiences you have shared in the past. The best option is to ask the person how they would like you to refer to them when talking about past events. Another way is to avoid gendering the person at all, by referring to the relevant time instead. For example, 'In September last year…' or 'when you were a child'. Be guided by the words they use when they refer to themself in the past.

Inappropriate questions

Use caution when asking questions about the person's affirmation or gender identity. Many topics are not polite to raise in conversation, and they include:

- the person's body including anatomy;
- the person's history, including their deadname, birth records etc.;
- whether the person has or intends to have surgery;
- whether the person is on hormone treatment; and
- the person's sexuality (sexuality is not relevant to gender identity).

Apart from causing offence, depending on the context these questions may be unlawful under the *Anti-Discrimination Act 1991.*

Of course, if the trans, non-binary or gender diverse person raises these matters themself, and is comfortable discussing these topics, that is alright. But as a general rule, ask yourself, 'Would I ask a cisgender person this question?'

Jokes

Jokes can be discriminatory and cause unintentional harm. A person who is affirming their gender at work may be going through a major, stressful life change. Understandably, they may be sensitive to jokes, especially about anatomy, names, pronouns, style of dress etc. If other people make jokes like that, speak up if you can, and say that those kinds of jokes are not appropriate.

Gossip

Respect your colleague's privacy by not gossiping about their affirmation. If there is a new staff member at your workplace, do not 'out' your colleague as trans, non-binary or gender diverse. This is a major breach of trust and privacy.

Same treatment

When a colleague is taking steps to affirm their gender, treat the situation as 'business as usual'.

Your colleague will notice if you start treating them differently. Different treatment may simply involve avoiding the person because you feel awkward about the situation.

If you have never known anyone who is trans, non-binary or gender diverse before and you feel a bit uncomfortable, do your best to continue to treat the person the same way you always have. A simple 'Hi, X how are you?', (using their correct name) in the hallway helps the person feel validated in their gender.

Emotional support

Coming out as trans, non-binary or gender diverse and socially affirming gender is a huge step that impacts on every aspect of the person's life, and work is often the final frontier for a trans, non-binary or gender diverse person coming out.

Usually a trans, non-binary or gender diverse person will have expressed themself as their gender in their private life. Your colleague may have real fears about things going badly at work, and jeopardising their livelihood. It can be hard for some trans, non-binary or gender diverse people to

obtain reliable employment because of the impacts of stigma and discrimination, so retaining a current job is all the more important.

In some cases, if taking hormones, the person may be subject to moderate to severe mood swings, but this will be resolved over time.

Compassion, patience and understanding shown by work colleagues go a long way to supporting a colleague who is affirming their gender.

Real life stories

Gillian's story

This is a real life story. All the names have been changed to protect privacy.

Gillian worked in an administrative role for a large government agency for 10 years. When she started in the role, she presented as male.

In January, Gillian had a private conversation with her manager, Stephanie, and disclosed that she is a trans woman, identifies as a female, and intends to start presenting as a female at work. Gillian and Stephanie agreed to meet again to discuss an affirmation plan.

In early February, Gillian and Stephanie had several planning meetings and included Kristina from human resources. In consultation, they set 1 March as the date that Gillian would attend work for the first time presenting as her gender. Everyone agreed that Gillian would go on leave from 23 February and return to work on 1 March.

Stephanie, Timothy (the director of the branch), and Kristina offered to hold a meeting with the assistance of the Queensland Human Rights Commission, to inform staff of Gillian's affirmation. Gillian was happy with this option, but was worried about staff reactions, and said she would prefer not to attend. Gillian offered to make a video of herself presenting as female to familiarise colleagues with the way she will look when she returns to work on 1 March. Everyone agreed that it would be good to play the video at the staff meeting.

In late February while Gillian was on leave, Stephanie organised the following:

- a new photo ID card and security pass;
- intranet and internet access;
- a new email address;
- changes to personnel and HR files; and
- phone calls to internal clients to make them of aware of Gillian as the new contact.

She also met with the head of building security and other service areas to ensure they would be aware of the affirmation prior to 1 March.

On 24 February, while Gillian was on leave, the staff meeting was held with the following agenda:

- Timothy, the Director, explained the purpose of the meeting, announced Gillian's affirmation as female, and expressed support for Gillian.
- Gillian's video in which she introduces herself to staff was played. Speakers from the Queensland Human Rights Commission explained staff obligations under the Queensland *Anti-Discrimination Act 1991*. A transgender woman who had affirmed at work spoke to staff, giving a personal account of her experiences.
- Time was allowed at the meeting to ask the speakers questions, and Gillian's manager Stephanie offered to hold individual private discussions.
- Handouts about transgender awareness compiled by Stephanie were given to staff.

Gillian returned to work on 1 March and continued her duties as before. She emailed all staff to thank them for their support, and received many encouraging responses. Stephanie and Gillian have continued to meet to discuss any matters that have come up since at work. Gillian has seen many improvements in her life: confidence, positive relationships, health and outlook since expressing her true self and successfully affirming her gender in the workplace.

Lily's story

This is a real life story. All the names have been changed to protect privacy.

Lily is a professional who affirmed her gender as female at work.

Lily had been diagnosed with gender dysphoria in October the previous year, and was undergoing hormone replacement therapy.

In January, Lily confided in her manager Phillip that she identifies as a transgender woman and intended to start presenting as a woman at work. At that stage, she had considered ceasing her current role and seeking a new job. Lily told Phillip that she had been on hormone replacement therapy and having counselling for the last six months. Phillip responded with strong support, relieved that it was now clear what had been causing Lily's low moods and depression over the past year. This encouraged Lily to reconsider her plan, and she decided to affirm her gender in her current job rather than resigning.

This was a totally new situation for Phillip to manage, and he asked Lily what her needs would be over the next few months. In response, Lily created a formal affirmation plan, including background information on gender dysphoria, some proposed timelines and relevant medical information.

Phillip gratefully accepted this information, and a timeline was agreed, with the date for Lily to start presenting as a woman at work set for 31 March.

In consultation with Lily, over a period of four weeks Phillip had one-on-one sessions with colleagues to explain that the affirmation would be occurring. Lily also talked to her colleagues and showed them pictures of herself in the way she would be presenting her gender at work. Phillip always made sure that Lily knew when a one-on-one session would be taking place, and took care to tailor the message depending on the reaction he expected from the particular employee. Phillip explained to employees it might be necessary to cut Lily a bit of extra slack as it would be an emotional time for her.

Lily told Phillip that she would like to use the female toilet on the ground floor, then after a couple of months, use the female toilets on their office floor. This was a decision that Phillip supported.

Lily took a week off and returned to work on 31 March. Lily's colleagues showed her overwhelming support and acceptance. Lily was surprised how accepting her colleagues were; and something else happened. People started coming to her in private and confiding in her, disclosing their own hidden issues and fears. Even colleagues with whom she had previously had issues, came forward expressing their regret at past falling-outs and expressing respect for her courage in coming out.

Lily felt liberated because she was finally able to present as her affirmed gender in all aspects of her life.

Eric's story

This is a real life story. All the names have been changed to protect privacy.

Eric is a trans man who was assigned female at birth. When he started to express his male identity he had worked in a retail store for 7 years. Eric started taking male hormones and came out as transgender to a colleague, Jonathon, who he knew would be supportive.

Eric set up a meeting with two of his managers, to discuss his planned affirmation and requested that Jonathon come along as a support person. Eric found starting the conversation very hard, but finally got the courage to say the words. The managers immediately asked about what name to use, and started using Eric right away. They expressed relief and excitement, and told Eric they felt honoured that this information was shared with them.

In the meeting they also discussed practicalities, including paperwork, obtaining a locker key for the men's locker room, using the men's toilet, and providing a new ID badge. Eric and his managers also discussed how the news would be shared with colleagues. The managers' suggestion was to put it in the newsletter, but Eric said he would prefer to write a letter to the team to be put up on the noticeboard in the tea room. Eric's letter contained the following information:

- his new name, and that he would now like to be referred to as 'he' and 'him';
- that he would be using the men's toilet from now on;
- an acknowledgement that it may be a bit weird for everyone (including him) to get used to the change initially, but asked everyone to try their best to get his name and pronouns right;
- a request that they not tell new team members when they start that he is transgender.

While Eric was on leave, he requested that his department's managers inform his colleagues about the affirmation and refer them to his letter. At the store there were staff working different shifts, so the same message was relayed in the morning meetings every day for a week. In advance, Eric also asked his supportive colleagues who already knew about the affirmation to speak up for him and answer questions on his behalf.

After affirming, he found that colleagues did fairly well with his name and pronouns. Although there were slip-ups, he did not feel that these were intentional. He found that external stakeholders such as sales reps did not know about the affirmation, so to avoid any awkwardness he asked his supportive colleagues to explain his new name and pronouns to them.

Eric feels happy and supported in his role at the retail store and is now a long-term employee. He feels that the workplace has a good culture and is a supportive environment. He has experienced this not only in the way he was treated during his affirmation, but in the way that diversity is accepted generally.

Where to go for help

Support groups

ATSAQ: Australian Transgender Support Association Queensland Inc

07 3705 7663 | www.atsaq.org.au | info@atsaq.org.au

Many Genders, One Voice

www.manygendersonevoice.org | manygendersonevoiceqld@gmail.com

Queensland Council for LGBTI Health

07 3017 1777 or 1800 177 434 | www.qc.org.au | info@quac.org.au

Cairns: 07 4041 5451 or 1800 884 401 | cns@quac.org.au

Peer counselling support and referral

Diverse Voices (QLife)

1800 184 527 | https://www.diversevoices.org.au/

Youth

Open Doors Youth Service

07 3257 7660 | www.opendoors.net.au | opendoors@opendoors.net.au

Legal

LGBTI Legal Service

07 3124 7160 | www.lgbtilegalservice.org.au | mail@lgbtilegalservice.org

Employer assistance

Pride in Diversity

02 9206 2139 | www.prideindiversity.com.au | info@prideindiversity.com.au

About the Queensland Human Rights Commission

We work to protect and strengthen human rights in Queensland, and to help build a fairer, safer, and more inclusive community. We do this by:

- Providing an expert dispute resolution service for discrimination, human rights, sexual harassment, and vilification complaints
- Providing a free and personalised information service on rights and responsibilities
- Training businesses, government and the community
- Supporting the development of policy and legislation to better protect rights
- Increasing public understanding and discussion of human rights and responsibilities

We are a statutory body established under the Queensland *Anti-Discrimination Act 1991* and were formerly called the Anti-Discrimination Commission Queensland. We were renamed the Queensland Human Rights Commission on 1 July 2019 with the commencement of the *Human Rights Act 2019*.

Training

As the leading authority on the *Human Rights Act 2019*, we are responsible for delivering practical training to help all people in Queensland to understand their rights and responsibilities under the Act, and to help organisations to promote and protect people's human rights. We also offer training on a variety of aspects of anti-discrimination law, including information and capacity building workshops on gender identity and supporting trans and gender diverse employees.

You can contact our training team at training@qhrc.qld.gov.au.

Complaints and dispute resolution

Our highly skilled complaint management team is responsible for assessing all complaints received and working with parties to resolve the issues through conciliation.

You can read more about our complaints process and conciliation on our website at www.qhrc.qld.gov.au, or contact our enquiry line on 1300 130 670.

Information and enquiries

The Commission has a free statewide enquiry service which can provide information about the Human Rights Act and Anti-Discrimination Act, rights and responsibilities under these laws, our complaints process, and referrals to other support or complaint agencies where relevant.

- call 1300 130 670
- email enquiries@qhrc.qld.gov.au

You can also contact our:

- Training team: training@qhrc.qld.gov.au
- First Nations Unit: firstnations@qhrc.qld.gov.au
- LGBTIQ+ community liaison officers: lgbtiq@qhrc.qld.gov.au

Do you have a hearing or speech impairment?

You can call through the National Relay Service:

- TTY users, phone 133 677 then ask for 1300 130 670
- Speak & Listen users, phone 1300 555 727 then ask for 1300 130 670
- Internet Relay users, connect to the National Relay Service and then ask for 1300 130 670.

The National Relay Service website includes information about the options available to people who are deaf, or have a hearing or speech impairment. You can also contact 1800 555 660 or helpdesk@relayservice.com.au for information or support.

Do you want to speak to us in a language other than English?

Contact Translationz on 07 4862 4444 for their on demand service.

Our website also has brief information on discrimination, sexual harassment, vilification, human rights and how to contact the Commission in 15 languages.

Contact us

STATEWIDE ENQUIRY LINE: 1300 130 670

WWW.QHRC.QLD.GOV.AU

ENQUIRIES@QHRC.QLD.GOV.AU

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Human Rights
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