

HR Focus: Recruitment

Equal opportunities policies

Equal opportunities policies which refer to discrimination on grounds of sex can now be considered automatically to include discrimination on grounds of transsexualism. Employers who wish to promote anti-discriminatory practice and who have policies and procedures which cover areas such as sexual orientation, culture and religion, age and HIV status as well as race, sex and disability may add "gender identity" to their list. Other policies should be checked to ensure they would adequately cover a transsexual employee, particularly those dealing with confidentiality, harassment, allocation of resources (such as office space and equipment), access to development (such as training, internal job vacancies and promotions), pensions and insurance.

Good practice example: B, a large employer, already had an identified "Sexual Harassment Officer". On becoming aware of the existence of transsexual employees in the workforce, B agreed to extend the remit of the officer to include harassment for reason of transsexualism. References and certificates

Employers should update their records and ensure that any references reflect current name, title and sex. Certificates of higher education and professional qualifications should be re-issued to reflect the individual's new details. These administrative changes protect the privacy of the transsexual person, and the principle of autonomy of disclosure.

Good practice example: N worked for an engineering company prior to transition and was responsible for co-authorship of a number of technical manuals. "My former employers have been scrupulous about updating not only their references etc., but about consulting me on which names to use in publications that refer to me from the past." Interviews

Employers wishing to promote equal opportunities may state that they welcome applications from transsexual people, just as for any other minority group. However it should not be expected that applicants and interviewees for employment will necessarily wish to disclose transsexual status - some people consider it a very private matter; also many have experienced prejudice and harassment as a result of disclosure. It is not a question that should ever be asked at interview.

There is no obligation for a transsexual person to disclose their status as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure are not grounds for dismissal.

Should an applicant or interviewee voluntarily disclose, the issue should be dealt with in the same way as any other personal disclosure. Temporary workers

Employment placement agencies and agencies providing casual labor are increasingly important in some sectors of employment, for example IT, secretarial, care workers etc. and for some workers in these sectors frequent changes of employer are the norm. As part of their own policies, agencies must decide whether to inform clients that job applicants may include transsexual people. There is in most cases no legal obligation to disclose such information, and no information about the transsexual status of an individual should be provided without the prior consent of the individual concerned.

Good practice example: L, a transsexual man, had been a professionally trained secretary prior to transition, and sought work via a temping agency. The agency, whilst aware that he was transsexual, did not consider it necessary to inform employers of his status, and because of his ability and qualifications he was much in demand. However he lost one position after his status became known, and was concerned that discrimination could have taken place. The agency was exonerated from any possible involvement in that it was able to reassure him that it had a clear policy that this was a confidential issue.

Voluntary workers

No distinction should be made with regard to the rights of people who work on a voluntary basis.

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