



Gender Diversity Policy

Policy Statement

The Cairngorms National Park Authority ("Park Authority") has Identified Increasing Interactions with the transgender community through its recruitment and contractor arrangements. The Park Authority aspires to be the Best Small Public Sector Organisation in Scotland, and to be an inclusive and diverse organisation. To this end, this policy forms part of our wider commitment to ensuring all employees are respected and valued and fulfils one of our actions of our LGBT Charter accreditation action plan.

This policy sets out the Park Authority's commitment and approach to ensuring that transgender employees, and others falling within the scope of this policy framework are treated with dignity and respect and are not disadvantaged in the workplace. Please refer to the sections on scope and terminology for information on what is meant by transgender employees in the context of this policy.

The Park Authority believes that diversity and inclusion bring benefits to the business and that people work better when they can be themselves and feel that they belong. We are committed to supporting transgender colleagues throughout recruitment and employment, including supporting them through any transitioning process, by ensuring that they have a working environment that is free from discrimination, harassment, victimisation, or other unacceptable behaviours.

Scope

The policy covers all employees, contractors, temporary workers, volunteers, and job applicants and applies to all stages of the employment relationship. The language of this policy is written from the perspective of an employed staff relationship with the organisation. However, all people covered by this scope are equivalently covered by these policy terms.

Interpretation and application of the Equality Act 2010 and Gender Recognition Act 2004

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010 (the "Act"). The Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". There is no requirement for the person to be under medical supervision to be protected. The Act also protects anyone who is perceived to have the characteristic of gender reassignment or is associated with



someone who has the protected characteristic of gender reassignment, such as an individual's partner or a friend. Protection under the Act also extends to non-binary or gender fluid individuals.

Gender Reassignment is also covered in the Gender Recognition Act 2004. The Park Authority follows the guidance of the Public Sector Equality Duty when looking at the definition of Gender Reassignment and implementing the provisions and spirit of the Act.

An employee who treats a colleague less favourably because of gender reassignment, for example by refusing to work with them or making comments that could be considered harassment, may be held personally liable for discrimination.

Terminology and application

Transgender is commonly accepted as an umbrella term describing people whose gender identity differs from the sex that they were assigned at birth. We use the term transgender in a non-exclusive manner and intend this policy to apply to all individuals who have a gender identity that does not match the gender they were assigned at birth or are otherwise gender non-conforming including those who are non-binary and non-gender.

It is also intended that this policy be interpreted to include intersex individuals. Intersex is an umbrella term used to describe a wide range of innate bodily variations of sex characteristics. Intersex people are born with physical sex characteristics (such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns) that do not fit typical definitions for male or female bodies.

We recognise that job applicants and employees are not required to tell us their gender identity or gender history. The gender in which an individual chooses to present will always be acknowledged and respected. This includes individuals who identify as non-binary or non-gender.

Managers and colleagues should respect how an individual chooses to describe themselves..

Definitions and terminology are constantly evolving and the Park Authority commits to reviewing this policy regularly. Please refer to the sources at the end of this policy for guidance such as on appropriate terminology. See also Appendix 1 for a glossary containing more details on definitions and other key terms. We will endeavour to review and update this glossary regularly and within a reasonable timeframe of becoming aware of a change being required.



Roles and Responsibilities

Everyone at the Park Authority should assist and support us in our commitment to provide a working environment of dignity and respect, free from bullying, harassment, and any other form of unlawful discrimination. With specific regard to the current policy, and to the process of an employee transitioning at work, the following responsibilities are identified:

Managers are responsible for:

- Reading, understanding and applying the policy
- Taking reasonable steps to ensure that this policy is followed and that the Park Authority's approach to supporting transgender colleagues is implemented
- Maintaining confidentiality at all times - unless explicit instruction is given by the individual to disclose information
- Where such consent is given, communicating appropriately with colleagues regarding an individual's gender identity
- Ensuring that colleagues who require time off work for reasons relating to their gender identity or transitioning are supported and managed in a way consistent with the Park Authority's sickness and absence policy, including in respect of appropriate authorised time off and pay
- Leading and championing inclusion and supporting an inclusive workplace culture as part of the Park Authority's wider focus on diversity and inclusion and taking action to address any instances of harassment, victimisation, or discrimination. This may include the use of our Dignity at Work policy, this policy or another relevant policy
- Supporting in any way that is necessary and appropriate by, for example, discussing reasonable adjustments that might assist in alleviating stress and anxiety
- Giving support and/or guidance to colleagues whenever necessary or appropriate
- Seeking support and/or guidance from the HR team whenever necessary or appropriate
- Reporting any breach of this policy and/or any instances of harassment, victimisation, or discrimination to the HR team and taking action when necessary or appropriate

All Employees are responsible for:

- Reading, understanding and applying the policy
- Treating everyone with respect and dignity – not harassing, victimising, or discriminating against transgender colleagues, volunteers, visitors, or students
- Seeking guidance and/or support from managers and HR when necessary or appropriate



- Reporting any breach of this policy and/or instances of harassment, victimisation, or discrimination to your line manager or to the HR team where line management action has for any reason not been seen to be effective.

HR team is responsible for:

- Ensuring that managers and employees are aware of their responsibilities under the policy, promoting the policy's use with training and guidance and ensuring that appropriate action is taken when the policy is not followed
- Providing guidance and support for managers and employees when sought, including on the use of inclusive language and terminology
- Maintaining confidentiality, including securing paper documents and files
- Undertaking any relevant administrative procedures relating to transitioning and name/gender change
- Organising appropriate training as a general part of the equality and diversity training programme
- Arranging for this policy to be reviewed regularly and updated when required

Behaviour and Respect at Work

Everyone should be aware of the Park Authority's Dignity at Work Policy, which covers bullying and harassment, and the procedures in place for handling complaints of disrespectful behaviour, bullying, harassment, and victimisation.

Examples of this type of behaviour in the context of this policy include but are not limited to:

- verbal abuse such as name-calling, threats, derogatory remarks, or belittling comments about transgender people, an individual's gender identity and/or their appearance, and / or an individual's beliefs
- asking if they have a Gender Recognition Certificate
- "outing people" by disclosing someone's previous gender identity without their consent
- jokes, innuendo or 'banter' about someone's gender identity or transgender people generally
- circulating or displaying (e.g. by email, via social media, hard copy), offensive or abusive material relating to someone's gender identity, or about transgender people generally
- refusing to use an individual's chosen pronoun and/or name
- threatening behaviour or physical abuse



- intrusive and unwelcome questioning about someone's gender identity or transition
- excluding a transgender colleague from conversations or from social events, and professional settings (e.g. meetings)
- refusing to work with someone because of their gender identity
- Expressing beliefs (e.g. religious, gender ideology or gender critical beliefs) in a fashion that may be reasonably perceived by others as being offensive and disrespectful. Further comment on expressing belief's lawfully is below.

Managing potential conflict

The Act recognises nine protected characteristics, and these have all equal status. As an employer committed to diversity and inclusion, the Park Authority recognises that there is no hierarchy of protected characteristics. No one characteristic is more worthy of protection than others.

We understand that employees may hold religious and/or philosophical beliefs which are not held by others, and conflicts of opinion between different view points can therefore arise, e.g. between gender critical beliefs on the one hand, and gender ideology on the other (see glossary). All employees must respect the Park Authority as a workplace for all, irrespective of beliefs, and as such. No staff will be subject to harassment, victimisation, or discrimination by the Park Authority or its employees related to their belief. We commit to taking action to address any instances of harassment, victimisation, or discrimination and this may include the use of our Dignity at Work policy, this policy or another relevant policy.

We note however that while an individual's beliefs may be protected under the Act, the ways in which such beliefs manifest themselves might not be protected, particularly where this impacts on the rights, freedoms and/or reputation of others.

All employees and managers are required to be professional and respectful of others whilst at work and consider how things said and done may affect others and reflect on the Park Authority.

Supporting transgender and non-binary employees

The Park Authority will support transgender and non-binary staff through the following processes:

Recruitment



The Park Authority wishes to attract applicants from as diverse a talent pool as possible and our recruitment process will be designed to be inclusive across all the equality characteristics. This policy sets out additional considerations for all members of the recruitment panel.

Recruitment panel members should not ask questions about an applicant's gender or gender history. If an individual chooses to mention this during an interview, they should be informed that the organisation supports transgender employees, assured that the disclosure will have no bearing on the outcome of the interview, and will not be revealed outside the interview.

Where proof of identity documentation reveals a non-preferred name and thereby an applicant's gender history, this information will be kept strictly confidential and stored securely in the locked down HR folder with the permission of the individual and in accordance with the General Data Protection Regulations (GDPR). The Park Authority will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

Monitoring

In line with our policy on equal opportunities in employment, we will gather and analyse information relating to the diversity of the workforce and applicants for employment and promotion. Equality monitoring enables us to identify under-representation and where there may be barriers to inclusion. This helps inform our priorities for action and provides a baseline for measuring progress. Gender identity is included among other personal characteristics in our equality monitoring.

The disclosure of personal information by employees/job applicants is voluntary and employees may withdraw their consent to its processing at any time. Any information disclosed will be treated in confidence, stored securely and used only to provide statistics for monitoring purposes in accordance with our data protection policy. When communicating monitoring data, we will ensure that it is anonymised, and we will disclose percentages (%) when numbers equal less than 10% of our workforce, to avoid Identifying Individuals

Names and pronouns

The Park Authority will take all necessary steps to ensure that a request for a name to be changed is respected, and further evidence such as a Gender Recognition Certificate will not be required. The Park Authority will ensure that email address, and any



partner/colleague facing information will be changed as soon as possible after a request is made.

Confidentiality

Where information is disclosed on gender history or status, this will be treated as strictly confidential. This includes any information provided to the line manager or HR team.

There may be some situations in which a third party needs to know of changes made to the way your gender is recorded. For example, the Civil Service Pension Scheme will need to be updated if you obtain a GRC. We will make you aware of any such situations that emerge and will discuss with you how you would like to proceed.

Uniforms and dress codes

As per the Park Authority's dress code, you are free to wear the clothes in which you feel comfortable working, unless required to wear specific items of clothing for your roles, or with due regard to health and safety. Where you are required to wear branded clothes, you may choose the type and fit of branded clothing you wear, if a choice exists.

Use of changing facilities and toilets

The Park Authority supports a transgender employee's use of toilets and facilities they prefer to choose, as a key part of living and working in their gender. Underpinning this is that across our properties we have almost exclusively toilets that are single use and entirely private.

Alongside these are gender neutral changing spaces which include a shower and toilet. These are enclosed rooms for single use. These facilities have been designed to be sensitive to the needs of all staff, and staff therefore have a choice of which facilities to use, that best meet their personal circumstances and comfort requirements.

Employees who are transitioning at work

An employee does not need to disclose if they intend to transition. However, if an employee decides to do so they should discuss the decision with their line manager, another manager or HR with whom they feel comfortable discussing these matters and agree a main point of contact to help manage the transition process. An initial meeting will be held to agree an employee-led action plan to support them during their transition at work.



A template action plan is set out in the Appendix to this policy, however we acknowledge that every individual's journey is different and the expectations and responsibilities of each party will be unique to each transition.

The transition process will be led by the employee who is transitioning. The Park Authority is supportive of any decision to transition and recognises this as a process of living authentically and in congruence with gender.

Further information and guidance on the process initiated once an employee states an intention to transition at work are set out in Appendix 2.

Further sources of support

There are many organisations that support transgender people. All About Trans has put together a list of support and community organisations in the UK that work with trans information and resource which may be helpful: [Groups in Scotland – Gender Identity Research & Education Society – Tranzwiki directory \(gires.org.uk\)](#)

The Scottish trans Alliance has written useful guidance for service providers and employers on Including non-binary people:

<https://www.scottishtrans.org/wp-content/uploads/2016/11/Non-binary-guidance.pdf>



Appendix 1: glossary

This glossary of terms is offered to assist staff in understanding the wide range of terminology that can be used within this policy area, in wider society, and so impacting on our workplace. The intent of this glossary is not to require staff to interpret terms in line with the definitions set out here. Rather the glossary is offered to help staff understand the organisation's expectations of them as set out within this policy and interpret its provisions. As a dynamic aspect of current social policy, terms in use within society at large in relation to this policy area develop and change frequently. The HR team aims to review this policy within 18 months of issue and the terms in this glossary will be reviewed again at that time.

- **Acquired gender:** Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "**affirmed**" gender.
- **Agender:** Refers to a person who does not identify with any gender.
- **Assigned gender:** The gender assigned to someone at birth, based on their physical characteristics.
- **Assigned sex:** Male or female sex identity assigned at birth, based on their physical characteristics.
- **Bi-gender:** A non-binary gender identity meaning a mix of both genders: woman and man
- **Cisgender (or Cis):** Describes someone whose gender identity matches the sex that they were assigned at birth. Cis is the Latin prefix meaning 'on this side of' in comparison to trans which means 'on the other side of'.
- **Cisnormative:** An assumption that gender is a binary concept and that all, or almost all, individuals are [cisgender](#).
- **Cross dresser:** Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are often comfortable with their assigned gender and therefore may not intend to transition.
- **Dead naming:** Referring to a person who identifies as transgender or non-binary by their birth name and not their chosen name.
- **Gender or Gender Identity:** Describes a person's personal sense of self - For example, they may identify as female, male, as having no gender, as non-binary



or as gender fluid. A person's gender identity may not correspond with the sex that they were assigned at birth.

- **Gender Incongruence:** the mismatch between the sex assigned at birth, and the gender identity.
- **Gender Critical:** - this is the belief that sex is biological, immutable, and cannot be changed; the belief that sex is distinct from gender identity; some with gender critical beliefs doubt the idea of gender identity
- **Gender Ideology:** - used to mean both (1) the attitudes regarding appropriate roles, rights and responsibilities of women and men in society and belief that the differences between men and women are the fruit of societal and cultural construction, and (2) the belief that sex and gender are two separate concepts which do not always align
- **Gender dysphoria:** A recognised medical condition where the individual experiences severe discomfort and anxiety/emotional unease because their gender identity does not align with their biological sex.
- **Gender expression:** How an individual presents their gender identity to others, for example through their appearance and behaviour.
- **Gender Fluid:** Describes a person who experiences their gender as fluctuating over time across a range of masculine and feminine identities
- **Gender reassignment (or transitioning):** The process of transitioning from one gender to another; where an individual takes steps to alter the outward expression of their gender so that it better aligns with their gender identity. For example, a person who was assigned female at birth decides to take steps to live the rest of their life as a man. For some, but not all, this may include medical treatment. For many transgender people, the terms "gender confirmation" or "gender affirmation" are preferred to "gender reassignment". The Equality Act 2010 refers to the protected characteristic of gender reassignment which, when drafted, only covered trans binary individuals. Protection now extends to non-binary, non-gender and intersex individuals also.
- **Gender Recognition Certificate (GRC):** A GRC allows a person to change the sex recorded on their birth certificate and can be applied for under the Gender Recognition Act 2004. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents, such as your passport. While people who obtain a GRC may choose to inform their employer, they are not obliged to do so. Nobody should be asked to produce a GRC.



- **Intersex:** A physical condition where the anatomy or physiology (chromosome patterns, gonads or genitalia) of an individual differs from what typically constitutes male or female. In some intersex conditions, the appearance at birth is atypical being neither male nor female.
- **LGBT+:** A commonly used acronym referring to the lesbian, gay, bisexual, transgender community. The "plus" denotes inclusion of other identities such as non-binary, non-gender, intersex or asexual. The acronym is often expanded to LGBTQI with "Q" standing for Queer (or questioning) and "I" for intersex.
- **Misgendering:** When someone (particularly a transgender person) is referred to using a word, especially a pronoun or form of address, that does not reflect their gender identity.
- **Non-binary:** An umbrella term for people who do not identify solely and exclusively as either male or female. Non-binary individuals may identify as neither male nor female, both male and female, or a combination of male and female. Non-binary individuals may also have more specific identities, such as:
 - **Neutrois:** A non-binary gender identity meaning neutral gender;
 - **Pangender:** A non-binary gender identity covering all genders;
 - **Poly-gender:** A non-binary gender identity meaning having more than one identity;
- **Pronouns:** Terms people use to refer to others - often gendered "he/him", "she/her" - sometimes neutral/unisex "they/them". (This is not an exhaustive list.)
- **Sex:** Considered to be The biological and physiological differences that define if a person is male, female. Some consider there to be only two sexes and others consider there to be a spectrum to Include Intersex Individuals whose biological anatomy or physiology differ from contemporary cultural stereotypes of what constitutes typical male and female
- **Third gender:** A non-binary gender identity meaning a gender that is neither man nor woman;
- **Trans man (female to male):** Used to describe a person who was assigned as female at birth but identifies as male and is transitioning, or has transitioned, from female to male.
- **Trans woman (male to female):** Used to describe a person who was assigned as male at birth but identifies as female and is transitioning, or has transitioned, from male to female.



- **Transgender (or trans):** An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth.
- **Transitioning:** A term sometimes used to refer to the process an individual goes through to discover and/or affirm their gender identity. It can include the steps taken by individuals to live in and express the gender with which they identify, which is different from the sex they were assigned at birth. These steps can be social, psychological, legal and may sometimes involve medical procedures. Each person's experience of transitioning is unique to them. Transition is not about the individual "becoming" as it is about them "gender affirming".
- **Transsexual:** Under the Equality Act 2010, a transsexual person is someone who has the protected characteristic of gender reassignment (see above). A transsexual person does not have to be under medical supervision to be protected under the Act.
- **Transphobia:** A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.



Appendix 2: Transitioning Action Plan

This example action plan provides an outline of the key considerations to ensure that an employee's transition at work goes as smoothly as possible. Depending on circumstances, one or more steps may not be required. Equally, one or more additional steps may need to be considered.

The action plan should be shaped and led by the employee as much as possible and be sufficiently fluid to take account of changing circumstances and preferences. There should be agreement on the confidentiality of the plan and who will have access to it.

Where other people in the organisation will be responsible for taking action identified in the plan, it is crucial that the need for confidentiality and data protection are understood.

The action plan will be reviewed regularly by the manager and employee and amended as necessary.

Absence and return to work following transition

Actions to be agreed

1. Is any time off being requested? How will this be recorded (annual leave / agreed time off etc)
2. Agree a likely date when the employee will present for work following their transition.
3. Agree a proposed timeline for what needs to be done leading up to when the employee first presents at work and who needs to take action.

Who will do this and by when?

[Insert name and deadline here.]

Any associated points

- The aim should be to make the employee's first day at work as stress free as possible.
- It is important that the employee and their main contact establish an open dialogue and mutual trust.



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- A discussion about a change of duties or job role should only be necessary if at the employee's request.



Communication

Actions to be agreed

1. Discuss and agree with the employee the method and content of any necessary communication. Adapt the approach as necessary for:
 - colleagues and/or direct reports;
 - other employees; and
 - relevant third parties.
2. If planning to get information and/or support from an external organisation, ensure that arrangements are made in good time.

Who will do this and by when?

[Insert name and deadline here.]

Issues to consider

1. Does anyone need to know about the employee's transition? If so, who and why should be considered as well as the practicalities of conveying the information.
2. Is any training required to help raise awareness and understanding of gender identity and transitioning?
3. How can the employee's immediate work colleagues and/or direct reports support the employee?
4. How will queries and questions be handled (eg use of single-sex toilets and facilities)?

Any associated points

- Transitioning is a private matter and so the wishes of the employee are paramount.
- Deciding on who is told, how they are told and what they are told must be led by the employee, with support from their main point of contact/manager.



Changing employee records

Actions to be agreed

Anything that holds the employee's name, image, title or information that could reveal their previous identity needs to be amended by the time that the individual presents in their affirmed gender.

Who will do this and by when?

[Insert name and deadline here.]

Issues to consider

What records need to be amended to show the employee's name change?

Any associated points

- It is important to ensure that the employee is addressed by their chosen name and that the correct pronoun and title are used.
- Consideration should be given to including the option of a gender-neutral title, for example Mx, on data systems and personnel records. This would accommodate any transitioning employee who would prefer not to use a gender-specific title.