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GENDER IDENTITY POLICY

Introduction

At Inn Cornwall Limited we will not discriminate in any way on the basis of sex, sexual orientation, gender identity or gender expression. This policy is designed to help create a safe and productive workplace environment for all employees where every employee feels they belong, are able to be at their best and feel supported. We understand that we cannot anticipate every situation that might occur with respect to transgender or gender non-conforming employees and the needs of each individual must be assessed on a case-by-case basis. In all cases, our goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees whilst maximising an employee's workplace integration and minimising stigmatization.

This document outlines the ways in which we'll provide support in work, in relation to gender identity and expression.

Scope
This policy applies in the workplace and at all events that are work related.

Throughout this Policy, the term "employees" refers to all employees. It does not apply to workers, self-employed contractors, consultants or other workers.

If you are an agency worker, self-employed contractor or consultant and you have concerns, or have any further questions, you should inform your line manager or your agency.

If you are unsure about any part of this Policy or how it might apply to you, then you should seek guidance from your line manager.

This policy is for your guidance only and does not form part of your contract of employment. We may amend the policy from time to time at our absolute discretion.

Policy Principles

Inn Cornwall Limited is committed to ensuring an inclusive workplace, where everyone feels supported, valued and respected. As part of this commitment, we will ensure legal requirements are met and good practices are followed to fully support any employee who sees their gender outside of the gender binary of male or female. We recognise that this process will be unique to every individual.

For further information on how we will support any employee who is transitioning please refer to the Gender Reassignment Policy.

Trans and transgender are broad and inclusive terms referring to anyone whose gender identity and gender expression differs from the sex (male or female) they were assigned at birth. For the purpose of this policy, we are using transgender or trans to include; trans men and women, transexual people, non-binary people and cross dressers. See Appendix 1 for further information on definitions and terminology used within this policy.

What is gender reassignment, and transitioning?

Transitioning is a process of changing their social role to match their self-identified gender which is different from the gender they were assigned at birth. It may include telling others, changing names, asking people to use different pronouns and changing the way their gender is expressed. For some people it may involve medical assistance including hormone therapy, surgery, counselling or voice coaching. Transitioning can mean different things for individuals and is a very personal journey. Some people choose to transition medically and socially, and others may choose to only transition socially, or not at all.

Gender reassignment is a process undertaken by an individual who feels the gender assigned to them at birth does not match their gender identity, to alter their physical sexual characteristics to match those of their gender identity. It can involve complex hormone therapy treatment, as well as different medical surgery options.

Social transitioning can include coming out to family and friends, identifying by a different name, using different pronouns (i.e. 'he' or 'she'), and dressing and appearing in the way of the gender identified with.

Telling us

For anyone wishing to change their gender identity we can arrange a confidential meeting to allow the employee the opportunity to talk about any concerns they may have about disclosing their gender identity and/or chosen name and to begin developing a support plan. We'll work with you to support you in the best way we can and can be accompanied by a friend, work colleague or trade union representative for additional support.

Telling Others

We do recognise that other people may have fixed views of gender or lack awareness of gender identity and may not know how to respond. At Inn Cornwall Limited we will give due consideration to what support or development needs other employees may have, and any negative situations will be dealt with quickly and sensitively.

We will respect any employee's wishes with regard to timescales for presenting to others their self-identified gender as well as the way in which this will be communicated. Once an individual is comfortable with the changes made (names/pronouns/gender etc.) these should apply in all circumstances.

If you're not ready to tell us

We also recognise that you may not feel comfortable talking to your manager or telling people in work, and we respect that you must do this when you are ready. As well as our Employee Assistance Programme, you may choose to talk to our mental health first aiders or talk to your GP about counselling.

Confidentiality and Privacy

We recognise that employees have the right to discuss their gender identity or expression openly, or to keep that information private. A transgender employee gets to decide when, with whom, and how much to share their private information. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws. No employee should disclose information that may reveal another employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with a transgender employee's consent and with colleagues who truly need to know to do their jobs.

Any disclosure that has not been agreed with the employee is unacceptable, as is, inappropriate or casual discussion of an employee's status. Some employees may need to know of a change in order to update personal information on systems etc. Other work colleagues may also need to be informed. These arrangements will, however, be agreed as part of the personal support plan and written consent will be obtained.

Personal Support Plan
A personal support plan will be developed with the employee and the people leader and may also include clarification of any changes required e.g. titles, names, pronouns as well as any planned absence from work. (See Appendix 2).

Other useful information

Changing records at work

In the case of changes to name and/or pronouns, we understand the importance of updating records accurately when you are ready. Work with your manager to capture all the relevant locations, files, ID, records and systems. Certain types of records like those relating to payroll, qualification

certificates, pension and insurance may require a legal name change before a person's name can be changed. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change. A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. As quickly as possible, we will make every effort to update any photographs at the transitioning employee's workplace, so the transitioning employee's gender identity and expression are represented accurately.

Pension changes are governed by legal criteria which mean that an individual must have a full Gender Recognition Certificate to recognise their self-identified gender – referred to legally as 'acquired gender'. Such a change must be agreed between the individual and the pension scheme provider, but it is regarded as good practice to include changes to gender and or name on internal pension records. HMRC will use a Trans person's preferred name and title in all communications and if a full Gender Recognition Certificate is issued this will lead to a change in National Insurance records to reflect the person's acquired gender.

In order to maintain confidentiality, it is prohibited to store any data on an individual's file that could disclose to a third party that a change in gender has occurred. Any employee with a Gender Recognition Certificate can request that any reference to their previous gender, and if applicable their name, is completely removed from their record. This would apply to all records.

Names/Pronouns

Every employee has the right to be addressed by the name and pronoun that corresponds to the employee's gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of this policy. If you are unsure what pronoun a transitioning colleague might prefer, you can politely ask your colleague how they would like to be addressed.

Restroom and Locker room Accessibility

At Inn Cornwall Limited employees and visitors will have access to safe and appropriate restroom and locker facilities and have the right to use a restroom and locker room that corresponds to their gender identity, regardless of the sex assigned at birth. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom; that decision is left to the transgender employee to determine the most appropriate and safest option for them. Some employees – transgender or non-transgender – may desire additional privacy. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

Dress Codes

At Inn Cornwall Limited we do not have dress codes that restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with company dress codes in a manner consistent with their gender identity or gender expression.

Discrimination, victimisation and harassment

Inn Cornwall Limited is committed to creating a safe work environment for transgender and gender non-conforming employees. We will take allegations of unlawful discrimination, victimisation or harassment seriously and are committed to listening to our employees and taking appropriate action where necessary.

Discrimination in any way (including, but not limited to, failure to hire, failure to promote, or unlawful termination) against an employee because of the employee's actual or perceived gender identity is unlawful and will not be tolerated in any way. Additionally, it also is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment. Our policies protect the rights of Trans individuals to dignity and respect whilst working for and visiting [Company Name].

Some examples of unlawful direct discrimination include:

- Refusing to support an employee who is Trans.
- Verbally or physically threatening a Trans person or spreading malicious gossip about that person.
- Refusing to associate with or ignoring someone because they are Trans.
- Refusing to address the person in their self-identified gender or to use their new name.
- Sexual harassment of a Trans person.
- Passing judgement on how convincing a Trans person is in their self-identified gender.
- Refusing to acknowledge the rights of someone who is Trans.
- Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will also not be tolerated and will be removed.

When investigating a complaint of harassment or bullying it may be necessary to disclose the employee's Trans status to named persons; this will only be done with the written permission of the Trans individual. If the individual feels unable to agree to such disclosure it will be explained to them how this will impact on the investigation and may limit the action that can be taken.

Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident,

taking suitable corrective action, and providing employees and staff with appropriate resources. Please refer to the Anti-Harassment and Bullying and Disciplinary policies for further details.

If you have personally experienced or witnessed discrimination, victimisation or harassment, details on support can be found [add detail].

Details of our grievance and disciplinary policies and procedures can be found at [insert details as appropriate]. This includes with whom an employee should raise a grievance – usually their line manager.

The Recruitment Process

An employee may choose to disclose their status at any stage of the recruitment process and will be reassured they will be fully supported if they are successful in getting the job.

For any post that is subject to a criminal records check, the Disclosure and Barring Service (DBS) offers a confidential checking process in accordance with the Gender Recognition Act 2004. This gives Trans applicants the choice as to whether or not they are content for their previous gender to be disclosed on their DBS Certificate. If a Trans applicant does not wish to have their previous identity disclosed on their DBS Certificate, they should call the dedicated Sensitive Applications Team who are experienced in dealing with this type of sensitive case. A member of this team will advise the applicant about the process and what they will need to do. The team can be contacted at sensitive@dbs.gov.uk or 0300 106 1452. Inn Cornwall Limited will not know that an applicant has used this service.

Former Employees

We recognise there may be occasion when employees wish to request any previous employment records be updated to reflect a gender transition and for any records containing their name to be changed. If a reference is requested and an employee does not wish to have their gender disclosed the referee may make direct contact with you to discuss this with them before any reference is provided.

References for employees who have transitioned will not make reference to the person's former names or gender and will use the appropriate pronoun. Failure to do so without the individual's consent would be a breach of current legislation.

Any requests for record changes from former employees will be facilitated by the necessary people who will ensure that all relevant records are changed. It will be necessary to discuss the request and obtain the individual's explicit written permission to disclose information to other colleagues where necessary to enable such changes to be made. If for any reason some records cannot reasonably be changed, we will explain this to the former employee and explain why the information is held, where

the information is and who has access to it. Any such sensitive information will be kept in accordance with the requirements of the Data Protection Act.

Where can I go for additional support?

We understand that it can be difficult talking about your personal circumstances, if at any point you need some additional support and if you would like to speak to someone independent as well as your manager, you can contact our Employee Assistance Programme. They provide free independent and confidential advice [add detail].

Appendix 1

Definitions
The definitions provided here are not intended to label employees but rather to assist in understanding this policy and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

Gender expression: An individual's characteristics and behaviours (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
Gender fluid – refers to a person whose gender identity (the gender they identify with most) is not fixed.
Gender identity: A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.
Gender non-conforming: This term describes people who have, or are perceived to have, gender characteristics and/or behaviours that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
Gender reassignment – another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010.

Gender Recognition Certificate (GRC) – this enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. 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.

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LGBTQIA+: A common abbreviation that refers to the lesbian, gay, bisexual, transgender and queer community.

- L: Lesbian
- G: Gay
- B: Bi(sexual)
- T: Trans(gender)
- Q: Queer or questioning (sexuality and/or gender identity)
- I: Intersex
- A: Asexual or Aromantic
- +: The plus sign symbolises other gender or sexual identities that are not already included in the acronym such as pansexual or gender fluid.

Lesbian – refers to a woman who has an emotional, romantic and/or sexual orientation towards women.
Gay – refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also, a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian.

Bi - refers to an emotional and/or sexual orientation towards more than one gender.

Queer – in the past a derogatory term for LGBT individuals. The term has now been reclaimed by LGBT young people in particular who don't identify with traditional categories around gender identity and sexual orientation but is still viewed to be derogatory by some.

Questioning – the process of exploring your own sexual orientation and/or gender identity.

Intersex – a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

Asexual (or ace) - someone who does not experience sexual attraction.

Non-binary – an umbrella term for a person who does not identify as only male or only female, or who may identify as both.

Pansexual - refers to a person whose emotional, romantic and/or sexual attraction towards others is not limited by biological sex, gender or gender identity.

Pronouns: words we use to refer to people's gender in conversation – for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they / their and ze / zir.

Sexual orientation: A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note

that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.

Transgender: An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth;

- A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
- A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
- Some people described by this definition don't consider themselves transgender – they may use other words or may identify simply as a man or woman. A person does not need to identify as transgender in order for an employer's non-discrimination policies to apply to them.

Transition: The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include "coming out" (telling family, friends, and co-workers); changing the name and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.

Trans history: When someone who identifies as male or female or a man or woman but was assigned differently at birth. This is increasingly used by people to acknowledge a trans past.

Appendix 2
Personal Support Plan

This action plan should be confidential, and discussion should take place to agree where copies are kept and who should have access. This action plan is a guide and anyone using it should tailor it to suit the individual needs of the employee.

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Support Plan	**Anticipated date**	**Responsibility**	**Date completed**
Are there any temporary or permanent changes to their current role which need to considered to ensure the individual feels comfortable and supported?			
Is there knowledge of any expected timescale at this stage? e.g. Gender Identity Clinic appointments. This can be updated as information becomes available.			
Will any time off be required for medical treatment? What dates are these and how will this be recorded?			
What will be the individual's new name, title and preferred pronoun?			
When would they like to use their new name and title? Is phasing required?			
When will the individual present themselves in their self-identified gender? Is phasing required?			
Do work colleagues need informing of the changes and if so, who will do this and how will it be communicated?			
Are there any dress code issues that need to be considered?			
When does the individual intend to use the toilet/changing facilities of their acquired gender?			

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When will identification documentation, records and systems need amending? Which department is responsible for the amendment?			

Consider the following	**Anticipated date**	**Responsibility**	**Date completed**
Email address			
Phonebook			
Certificates, for example, training attendance			
Committee minutes and records			
Employee access card and ID. Does the photo need updating?			
Professional/learned body membership cards			
Union membership			
Online records (including website references)			
Employee records and databases			
Payroll (and banking details)			
Pension, death in service and dependents' benefits			
Insurance policies			

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