

Assessment for Relevance Form

This is a legal document stating you have fully considered the impact on the protected characteristics and is open to scrutiny by service users/external partners/Equality and Human Rights Commission

What is being assessed:	<p>Supporting Trans Staff in the Workplace Policy</p> <p>The core purpose of the protocol is to promote the rights of transgender employees and to challenge discrimination in the workplace. While this has a focus on gender reassignment the principles apply to all protected characteristics.</p>
Named Officer / Directorate:	Hina Sheikh and Ruth Hibbert – Organisational Development and Human Resources a

Protected Characteristics	Impact Rating Positive, Adverse or Neutral Impact	Rationale (provide evidence for your rating)
<p>Socio-economic factors such as poverty, unemployment, discrimination, poor working conditions and a lack of education can all affect an individual's ability to access services. This can also be further broken down depending on protected characteristics (listed below).</p>		
All	Positive	<p>The Transitioning Protocol and Guide is an addition to the suite of policies and guidance supporting a diverse NHS Lanarkshire (NHSL) workforce. The protocol defines what we mean by the term transgender and gender reassignment and clearly sets out NHSL responsibilities as an employer of trans people and people who are undergoing a transitioning journey. The policy exists to protect the rights of trans people and support them to be their genuine selves in the workplace.</p> <p>The protocol will help managers understand the impact of discrimination on employees who reassign their gender and will raise awareness of the impact of discrimination on all protected characteristics.</p> <p>Trans people may face dual discrimination on the grounds of their gender reassignment and other protected characteristics. The intersectional nature of discrimination can compound the impact on the individual and it is important to understand the whole person and not a single aspect of their identity.</p>

<p>Age</p> <ul style="list-style-type: none"> ● Children and young people ● Adults ● Older People 	<p>Positive</p>	<p>Individuals may find themselves the victim of discrimination on multiple levels. Older people may experience prejudice relating to their age and this may compound their experience of transphobic discrimination.</p> <p>Older people may also find it more difficult to transition due to a proportionately longer period of time not being open about their gender identity and experiencing less engaged societal debate about trans issues.</p>
<p>Disability (incl. physical/ sensory problems, learning difficulties, communication needs; cognitive impairment, mental health)</p>	<p>Positive</p>	<p>If a trans employee has been diagnosed as having gender dysphoria and this has a long term adverse impact on their ability to carry out normal day-to-day activities then they may be protected under the provisions of the Equality Act 2010. Of 900 trans people who participated in the Stonewall Scotland Mental Health Study, 88% reported currently or recently having experienced depression. 80% experienced stress and 75% anxiety. 53% of the cohort had self-harmed at some point and 84% had considered ending their lives at some point. 35% had attempted suicide at least once.</p> <p>This is against a backdrop of 25% not seeking help from mental health services due to real or perceived discrimination in the service.</p> <p>Any member of staff who may require additional support or reasonable adjustments in regards to a disability will be assessed under other NHSL Policies.</p>
<p>Gender Reassignment (trans)</p>	<p>Positive</p>	<p>The Policy has been specifically designed to support trans inclusion in the workplace and safeguard the rights of employees. The protocol offers a formal reference guide to getting it right and will allow review of poor practice against an agreed protocol.</p> <p>This policy explicitly supports employees seeking to reassign their gender while remaining in employment. This is against a backdrop of disproportionate rates of unemployment (nearly 40%) despite trans people being</p>

		more likely to hold HNDs/Degrees or post graduate degrees (55%). Of employed trans people, more than half have experienced transphobic bullying and harassment because of their gender status in the workplace. One Government study placed the rate as high as 88%.
Marriage and Civil Partnership	Positive	Action to support the rights of trans people should highlight the requirement to protect the rights of all and encourage a workplace that is more inclusive for all employees.
Pregnancy and Maternity	Positive	Action to support the rights of trans people should highlight the requirement to protect the rights of all and encourage a workplace that is more inclusive for all employees.
Race / Ethnicity	Positive	Action to support the rights of trans people should highlight the requirement to protect the rights of all and encourage a workplace that is more inclusive for all people.
Religion / Faith	Positive	Action to support the rights of trans people should highlight the requirement to protect the rights of all and encourage a workplace that is more inclusive for all people. According to the Equality Network, around 70% of trans people have no religious beliefs. Their LGBT Equality Report (2015) suggests trans people from certain faith backgrounds will face particular forms of prejudice from within their faith communities. LGBT rights are often contrasted against religious rights despite LGBT people being represented in all faith groups. The report suggest that trans people with faith beliefs are less able to be open about themselves than people with no faith conviction.
Sex (male/female/non binary)	Positive	Trans people have historically experienced discrimination in the workplace due mainly to poorly informed practice in relation to sex segregation. Transitioning employees have often experienced challenges when trying to assert their rights to use facilities that match their newly acquired gender. Lack of understanding can lead to ill-informed

		<p>decision making that places the burden of adjustment on the transitioning individual rather than the organisation.</p> <p>Action to support the rights of trans people in the workplace will ultimately be supporting rights of all people to work in a tolerant and respectful environment.</p>
Sexual orientation	Positive	<p>Trans people are often discriminated against on the grounds of their perceived sexual orientation due mainly to misunderstanding of the relationship between sexual orientation and gender reassignment. The terms can mistakenly be used interchangeably. Trans men and women can experience homophobic abuse that compounds the overall experience of discrimination.</p> <p>The protocol will help to clarify historical confusion around sexual orientation and gender identity.</p>

If you have answered positive or adverse impact to any of the groups, an equality impact assessment should be carried out (see flowchart on page 4).

Impact on socio-economic disadvantage?	Rationale (provide evidence for your rating)
People living on a low income compared to most others in Scotland	A US study of 27,000 trans people found people who did not identify with their birth gender were 4 times more likely to live in poverty than non-trans people.
People living in deprived areas	see all
People living in deprived communities of interest	see all
Employment	Keeping trans people in employment is an important outcome of effectively implementing the protocol. It also serves to attract trans people to NHSL as a caring inclusive employer. As a major regional employer this can help a community that historically experiences disproportionately high levels of unemployment.

If the policy involves a strategic decision you should carry out a Fairer Scotland Duty Assessment.