

# Gender Affirmation Policy

## Purpose

Southside Justice recognises, values and celebrates the diversity of its employees, including diversity in gender identity and expression, which is inclusive of, but not limited to, trans, gender diverse and non-binary identities.

Southside Justice is committed to providing a safe, respectful and inclusive environment, where all staff can fully participate, contribute and thrive.

The purpose of this policy is to set out Southside Justice's approach and supports available to employees who are affirming their gender identity or expression in the workplace.

## Definition

Gender affirmation refers to the process of a person to live as their defined gender/s based on what is right for them. This may be referred to as a person 'affirming' their gender/s or 'transitioning'. It may occur over a short or extended period of time.

The gender affirmation process varies for each person based on a variety of factors, including cultural background, socio-economic status, or broader lived experience, and may include a range of medical, social, and legal steps.

## Procedure

This policy is one component of Southside Justice's Diversity and Inclusion Strategy. It provides gender affirmation leave for employees who are affirming their gender identity or expression. It also outlines the supports available to employees to assist with their gender affirmation in the workplace.

## Entitlement to gender affirmation leave

Full-time employees are entitled to 20 days' (pro-rata for part-time employees) paid gender affirmation leave in a 12-month period. The leave entitlement is available at the commencement of the employee's employment and will not accumulate from year to year if it is not used. The paid leave entitlement is not available to casual employees.

Full-time employees are entitled to an additional 48 weeks' (pro-rata for part-time employees) unpaid gender affirmation leave over the course of their employment.

Casual employees are entitled to 52 weeks' unpaid gender affirmation leave.

## Eligibility requirements

Gender affirmation leave may be taken for appointments and procedures relating to the employee's gender affirmation, including, but not limited to, the following:

- medical appointments, procedures and recovery time
- non-medical interventions and associated appointments
- mental health related appointments, including counselling or psychologist appointments
- appointments to alter the employee's legal status or amend the employee's gender on legal documents, and
- any other similar or relevant appointment or procedure to give effect to the employee's gender affirmation as agreed with Southside Justice.

## Notice and evidential requirements

Employees are encouraged to discuss gender affirmation leave with their manager as early as reasonably possible.

An employee may take the gender affirmation leave as consecutive, single or part days (as agreed with Southside Justice). Southside Justice may require a medical certificate or statutory declaration to be completed by the employee for requests of 3 or more consecutive days' of gender affirmation leave.

At a minimum, employees must provide at least 4 weeks' notice of their intended commencement date of leave if seeking leave for 3 or more consecutive days. If it is not practicable for an employee to provide 4 weeks' notice, the employee must discuss their intention to take leave with their manager as soon as possible.

## Gender Affirmation Plan

Employees are encouraged to develop a personalised gender affirmation plan (**GAP**) with their manager.

The aim of the GAP is to:

- identify the supports and processes to implement in the workplace during the employee's gender affirmation
- outline the administrative and practical steps associated with the process of gender affirmation, and
- promote a workplace in which the employee is treated with respect and dignity.

The GAP may be amended or reviewed by the employee's manager (in consultation and agreement with the employee) at any time to reflect the needs of the employee.

The GAP may include, but is not limited to, the following:

- identifying the range of supports and resources available to the employee
- electing whether or not the employee discloses their gender identity at work, and that such information will remain confidential unless otherwise agreed

- identifying how and if information regarding the employee's gender affirmation process will be communicated to staff
- identifying the bathroom facilities, change room facilities and dress, if relevant, that best correspond to the employee's gender
- timelines for any expected ongoing or extended gender affirmation leave, which may include to attend medical procedures, psychology sessions or appointments to change their legal status and documentation
- what flexible working arrangements may be available (if applicable)
- whether there are any return to work plans, or alternate duties, including the time period for these duties (if applicable)
- education and training for staff and others (including volunteers) in relation to the gender affirmation process, including training and resources and/or
- any other relevant considerations.

The GAP is confidential and will be saved in the employee's personnel file. The employee will retain a copy of the GAP.

Please see the Gender Affirmation Plan template below.

### **Flexible working arrangements**

Employees may require some flexibility during their gender affirmation for surgery, medical appointments, counselling or other related purposes.

Employees are encouraged to contact their manager to discuss any proposed flexible working arrangements that may be necessary to support these requests. This may include flexible start and finish times, gradual increase or decrease in work hours or working from home arrangements.

### **Changing details on Southside Justice's employment records**

An employee may wish to update or change their personal details with Southside Justice as part of their gender affirmation.

Employees are encouraged to notify their manager if they intend to change their name, pronouns or other personal details in the course of their employment. The manager will ensure that the employee's name, pronouns and other personal details are updated for HR, IT and payroll purposes, as well as amending security passes and logins.

The employee and manager will endeavour to agree on the best process to implement these changes and communicate this to staff and other relevant people in the organisation. All changes in relation to the employee's gender affirmation will be prioritised and implemented in a timely manner, or a timeframe that is requested by the employee, where practicable.

An employee should notify their manager if they would like to have a friend, counsellor or representative (including union representative) present or involved in these conversations. An employee may also request to discuss their gender affirmation process and GAP with another manager or the Chief Executive Officer, if this is preferred.

An employee who changes their name and/or gender on Southside Justice's employment records should consider whether this will match their records with external organisations (i.e. Australian Taxation Office, Centrelink, MyGov). It is the employee's responsibility to communicate changes to personal details to external organisations.

### **Misgendering and deadnaming**

All staff will be supported to adjust and re-learn ways to speak of and address staff who have undergone gender affirmation (including changing their name or pronouns). All staff acknowledge that mistakes may happen during this period and are encouraged to communicate with each other in a respectful manner.

If staff misgender or deadname staff, volunteers or clients, they should respectfully apologise, quickly correct themselves and move on politely.

### **Gender-neutral facilities**

Employees are supported to use bathroom facilities of their affirmed gender in the workplace.

Southside Justice will provide gender-neutral bathroom facilities which are accessible to all staff, volunteers and clients at their offices.

Where reasonably practicable, Southside Justice will aim to only use external venues that provide gender-neutral bathroom facilities.

### **Education and support for staff**

As part of Southside Justice's Diversity and Inclusion Strategy, Southside Justice will provide ongoing training and resources to ensure a safe, inclusive and diverse workplace for all staff, including volunteers.

When an employee is affirming their gender in the workplace, Southside Justice will, in consultation with the employee, provide additional resources and training to all staff to increase awareness and support for people affirming their gender at work. This will include conversations regarding whether it is appropriate to discuss aspects of an employee's gender affirmation with them in the workplace.

All staff are encouraged to undertake their own research and education in relation to the gender affirmation process.

### **Commitment to a safe and inclusive working environment**

Southside Justice is committed to ensuring that all staff are supported to work in a safe and inclusive working environment.

Southside Justice will not tolerate the following behaviour of its staff, volunteers, clients or stakeholders:

- transphobia and transmisogyny
- aggressive or abusive behaviour towards an individual who has, or is in the process of, affirming their gender

- discriminating, harassing, victimising, ridiculing, excluding, humiliating or bullying on the basis of an employee’s gender identity
- disclosing an individual’s sexual orientation, gender identity or intersex status without their permission, or
- deliberately and/or persistently using incorrect names or pronouns after an individual’s correct name or pronouns have been made clear.

An employee who experiences or observes this behaviour is encouraged to raise this with their manager as soon as possible. If a matter cannot be resolved through discussion and support, an employee may wish to lodge a complaint.

### **Complaints**

If an employee wishes to lodge a complaint in relation to the gender affirmation process in the workplace, or inappropriate behaviour by staff, volunteers, clients or stakeholders, please refer to Southside Justice’s Complaints and Feedback Policy.

### **Confidentiality**

All employee records relating to gender affirmation, including the GAP, will be kept strictly confidential to ensure the staff member’s privacy.

Disclosure of such information should only occur to relevant personnel on a need-to-know basis or on reasonable management grounds to support the staff member’s gender affirmation process.

Gender affirmation leave will be classified as either ‘Special Leave’ with or without pay, or another generic leave category which does not identify the reason for the leave.

### **Counselling and Support Services**

Managers will inform employees who are affirming their gender of the availability of the free trans inclusive counselling and support services and Southside Justice’s Employment Assistance Program (EAP).

<b>Current version</b>	1.1	<b>Date approved</b>	13 January 2023
<b>Responsible person</b>	CEO	<b>Approved by</b>	Board
<b>Frequency of review</b>	Bi-annually	<b>Scheduled review date</b>	1 February 2025

## Gender affirmation template

Southside Justice Gender Affirmation Plan			
Action	Changes to be implemented	Implementation date	Completed
Title	<i>(Ms, Mr, Mx, Mrs, None)</i>		
Name*			
Pronouns*			
Gender*			
Email address & signatures			
IT and payroll			
Use of toilets	<i>(consider use of internal and external facilities)</i>		
Communication with staff and others			
Informing staff & others			
Appropriate questions and discussion of GA	<i>(GA discussion and questions by staff)</i>		
SJ to provide TGD resources and training to staff			
Supports and challenges			
OH&S considerations	<i>(include any safety considerations with clients)</i>		
Access to support services			
Personal challenges			
Other information			
Gender affirmation leave			
Expected leave requirements			
Extended leave requirements			
Return to work plan	<i>(WFH, light duties, reduced hours)</i>		

\*Changes can be implemented in the workplace regardless of whether the employee is intending to or has made legal changes to name or sex marker.