



# National Treasury Management Agency

## *Human Resources – Staff Policies* *NTMA Gender Identity and Expression Policy*

**Security Classification**

**Document Ref**

**Version**

**Status**

**Document Author**

**Document Owner**

Internal

HRStaffPolicy

V.1

Final

Elaine Timpson, Aideen Murphy, Jim

Deery

Chief People Officer

## 1. TABLE OF CONTENTS

1. TABLE OF CONTENTS.....	2
2. DOCUMENT CONTROL .....	3
3. INTRODUCTION .....	4
4. UNDERSTANDING TRANS.....	5
5. RIGHT TO PRIVACY .....	5
6. TRAINING AND AWARENESS RAISING.....	5
7. RIGHTS .....	6
8. SHARED RESPONSIBILITIES .....	6
9. BREACH OF POLICY.....	7
10. QUERIES.....	7
11. APPENDIX 1: GLOSSARY OF TERMS .....	8

## 2. DOCUMENT CONTROL

### 2.1. Revision History

Version	Date	Supersedes	Status	Summary of Changes
V0.1	18/11/2020		Draft	
V0.2	01/12/2020	V0.1	Draft	Legal Review
V.1	07/12/2020	V0.2	Final	Approved by EMT, CEO's of NAMA, SBCI and HBFi

### 2.2. Next Scheduled Review

Q4 2021

### 2.3. Distribution

Location	Audience
NTMA Policies and Procedures Register	All NTMA employees

### 2.4. Approval

This Policy has been reviewed and approved by the NTMA Executive Management Team, the Chief Executive Officer of NAMA, the Chief Executive Officer of the SBCI, and the Chief Executive Officer of HBFi.

### 2.5. Document Responsibility

The Chief People Officer (CPO) is responsible for ensuring that this document is kept up to date and reflects any required changes. The CPO is required to review this document at least every two years. Any proposed changes to this document must be approved by the NTMA Executive Management Team, the Chief Executive Officer of NAMA, the Chief Executive Officer of the SBCI, and the Chief Executive Officer of HBFi before they come into effect.

### 2.6. Data Protection

Any personal data, including any special categories of personal data, collected and processed by the NTMA in connection with this policy will be processed in accordance with the NTMA Data Protection Policy and the NTMA Employee Data Protection Notice, both of which are available on the intranet.

## 3. INTRODUCTION

### 1.1. Background

This Policy is developed against the backdrop of the Gender Recognition Act, 2015 (as amended) (the “Act”), which allows individuals, *inter alia*, to apply for a gender recognition certificate wherein an individual can self-declare their gender identity. Together with the associated NTMA Workplace Gender Transition Guidelines, (hereafter referred to as ‘the Guidelines’,) this Policy is designed to offer compassionate and practical support for employees who have already transitioned, or who intend to transition. It is hoped that these documents will provide a framework to support a positive experience for trans employees. This Policy cannot anticipate every situation that might occur with respect to trans employees. Therefore, the needs of each trans employee will be considered on a case-by-case basis.

The NTMA reserves the right to review, revise, amend or replace the contents of this Policy and to introduce new policies and procedures from time to time to reflect the changing needs of the NTMA. In cases where policies and procedures may be out of line with relevant legislation, the relevant legislation always takes precedence.

### 1.2. Purpose

The purpose of this Policy is to confirm the NTMA’s position and support for gender identity, expression and transitioning within the workplace. It is to further develop a positive, accepting and supportive work environment where all employees are treated with dignity and respect. The Policy and Guidelines are designed to help the NTMA and its employees to navigate change in a manner which supports the best outcomes for all involved. The purpose of this Policy and supporting Guidelines can be further broken down as follows:

- a. To support equal treatment of all NTMA employees
- b. To support compliance with legislation
- c. To allow the NTMA to attract and retain the people who are most qualified
- d. To recognise and leverage the value of a diverse and inclusive work force
- e. To support employees to openly express their gender identity
- f. To provide practical and clear policy and guidelines to support our colleagues through change and on an ongoing basis
- g. To signal through systemic action the NTMA’s Value of ‘Awareness of Self & Others’

### 1.3. Scope

This Policy applies to all employees of the NTMA, in respect of behaviour both in the workplace and at work related events such as meetings, conferences and social events, whether on the premises or off-site. An employee of the NTMA is defined as anyone who has a contract of employment with the NTMA (including without limitation a fixed term or specified purpose contract) regardless of the entity or Business Unit to which they are assigned to work and regardless of the hours they work.

### 1.4. Key Terms

A wide variety of language is used to describe issues around gender identity and gender expression. A glossary of the most frequently used terms is set out in [Appendix 1](#). It should be remembered however

that language is continuously changing, and that people may have their own personal preferences regarding the language they use to define themselves.

### **1.5. Related Policies and legislation**

Information relevant to this Policy can be found in the following NTMA Policies and government legislation.

- NTMA Workplace Equality Policy
- NTMA Dignity and Respect Policy
- NTMA Sick Leave Policy
- General Data Protection Regulation (GDPR)
- Gender Recognition Act, 2015

## **4. UNDERSTANDING TRANS**

The term Transgender or 'Trans' refers to people who feel their gender identity and/or gender expression differs from the sex they were assigned at birth. Trans is an umbrella term, which also includes individuals who identify as non-Binary. Non-binary individuals may experience a gender identity that is neither exclusively male or female or is in between or beyond both genders. People who feel comfortable with the gender assigned to them at birth are referred to as cisgender.

Transgender individuals may undergo a process known as 'Transitioning' to achieve the appearance, gender expression and self-image that they feel is right for them. Some may change their names legally e.g. by Deed Poll, or socially by asking to be referred to by a name that aligns with their preferred gender. They may change their pronouns and style of dress to express their gender identity. Transitioning is a unique experience which can be different in each case and should be treated as such.

Trans employees have the right to be open about who they are and be free to express their gender identity. The NTMA promotes and is committed to supporting an inclusive environment for employees.

## **5. RIGHT TO PRIVACY**

The NTMA is committed to respecting the right to privacy and to compliance with the requirements of the Data Protection Acts. Confidential information will only be disclosed with the person's prior consent unless there is a serious concern that there may be a threat to the safety or life of the individual, or where it is otherwise required by the operation of law. It must be recognised that at a point in time certain information will have to be disclosed to others within the NTMA e.g. certain HR staff, senior manager(s). This will be done with sensitivity and at all times consulting the relevant employee. The importance of maintaining confidentiality will be impressed on all participants during all parts of this process. Employees must take all necessary precautions to ensure the safekeeping and accuracy of all records containing personal information. Where information is recorded or shared, the terminology used must be respectful.

## **6. TRAINING AND AWARENESS RAISING**

The NTMA seeks to encourage a greater understanding of gender identity and expression. The NTMA will make training and awareness sessions available to support the implementation of this Policy and Guidelines. An example of the types of sessions that may be made available is included below:

- Gender identity and expression awareness sessions
  - for the senior teams across the Agency, to include the senior teams in the NTMA, NAMA, SBCI and HBFI
  - for all employees to include contractors who liaise directly with NTMA personnel.
- Training and information sessions to facilitate mid-year joiners and changes in those contracted to the Agency.
- Session/s specifically designed for the HR Team and other teams likely to be involved in an employee's transition.
- Training as required e.g. Refresher training may be required in a business area if a member of that area is planning to transition.

## 7. RIGHTS

The NTMA is committed to ensuring that its employees work in a positive and safe working environment that is free from all forms of bullying and harassment including sexual harassment. In doing so it recognises the right of trans employees to be treated with dignity and respect during the course of their employment. The NTMA supports the right of trans employees to openly express their gender identity and to access facilities which they feel best correspond with their identity.

The NTMA will provide reasonable and appropriate support to trans employees where the employees trans status is affecting their engagement with work. The NTMA may request the provision of information and documentation from an acceptable professional source to better understand and facilitate such arrangements, e.g. certification by a medical professional.

The NTMA will endeavour to support a trans employee's wish to use their preferred name other than on formal records that require the use of the legal name, such as pension records. If an employee wishes to have their legal name changed for such records, they will be asked to provide legal documentation to support the change. Information and supporting documentation (when required) must be provided in a timely manner to allow sufficient time for arrangements to be put in place.

## 8. SHARED RESPONSIBILITIES

It is the responsibility of every NTMA employee as well as the NTMA to play an active role in implementing this policy and in maintaining a work environment that promotes dignity and respect in the workplace. NTMA employees are expected to familiarise themselves with and act in accordance with the requirements of this policy. They must not personally harass, bully or victimise any another person in the workplace or connected with the workplace on the basis of their gender identity or expression. Employees are expected to report unacceptable behaviour to any line Manager, Senior Executive, any member of the HR Department, or to any contact person nominated under the Guidelines.

The NTMA has a responsibility to oversee the implementation of this Policy and Guidelines in a fair and transparent manner. It will take all reasonable steps to provide what it considers to be appropriate support and arrangements for trans employees in a timely manner. The NTMA will develop policy and best practice in line with legislation and will work with the LGBT+ Committee to raise awareness and to provide advice and training on gender identity and expression.

## **9. BREACH OF POLICY**

Breach of this policy will be dealt with in accordance with the NTMA Disciplinary Procedure and disciplinary action up to and including dismissal may be taken.

## **10. QUERIES**

Any queries in relation to this policy should be raised with the Chief People Officer.

## 11. APPENDIX 1: GLOSSARY OF TERMS

### **Gender identity**

Gender identity refers to a person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or designated sex at birth (meaning what sex was originally listed on a person's birth certificate). Gender identity is distinct from the term "sexual orientation". Trans people may identify as straight, gay, lesbian or bisexual.

### **Gender expression**

Gender expression refers to the external behaviours that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture may not be assessed similarly in another.

### **Trans**

Trans people are individuals whose gender identity and/or gender expression differs from the sex they were assigned at birth. Trans is an umbrella term that includes people of different gender identities and gender presentations and includes people who are transsexual, cross-dressers or otherwise gender non-conforming. Many trans people wish to live as a member of the gender with which they identify and this may involve changing names, hormone therapy or surgery. The process is referred to as 'transitioning' (see below). Not all trans people wish to transition. Some people do not identify as either male or female but see themselves as being on a gender spectrum between male and female and would consider themselves as being both.

### **Non-binary**

Non-binary is an umbrella term for gender identities that fall outside the gender binary of male or female. This includes individuals whose gender identity is neither exclusively male nor female, a combination of male and female or between or beyond genders. Similar to the usage of transgender, people under the non-binary umbrella may describe themselves using one or more of a wide variety of terms e.g. gender fluid, bigender and gender neutral.

### **Transitioning**

Transitioning is a process through which some trans people begin to live as the gender with which they identify, rather than the one assigned at birth. Transitioning might include social, physical or legal changes such as coming out to family, friends, co-workers and others; changing one's appearance; changing one's name, pronoun and sex designation on legal documents (e.g. driving licence or passport); and medical intervention (e.g. through hormones or surgery). A medical transition may include hormone therapy, sex reassignment surgery and/or other components and is generally conducted under medical supervision based on a set of standards developed by medical professionals.

### **Transsexual**

A Transsexual person identifies as 'opposite' to the sex assigned to them at birth. The term connotes a polarised view of gender between female and male, moving from one polar identity to the other. The term 'transsexual' is contentious. Historically the term was used to describe a trans person who has had gender reassignment surgery. However, many trans people reject the term, given it can be incorrectly interpreted as focusing on sexuality or sexual behaviour rather than "gender identity".

### **Crossdressers and transvestites**

A transvestite or crossdressing person is someone who at times wears clothing, jewellery and/or make-up not traditionally or stereotypically associated with their assigned sex. There is generally no intention or desire to change their gender identity or assigned sex and has no relation to sexual orientation.



### **Intersex people**

An intersex person is someone who was born with a condition where their reproductive or sexual anatomy does not fit the typical definitions of female or male. There are many different intersex conditions, and the issues faced by intersex people can be similar to those faced by trans people. However, there can be significant differences between the experiences of trans people and intersex people (for example, an intersex person might undergo gender assignment surgery rather than reassignment). Many intersex people do not identify as trans.

### **Sexual orientation**

“Sexual orientation” is the preferred term used when referring to an individual’s physical and/or emotional attraction to the same and/or opposite gender. “Heterosexual,” “bisexual” and “homosexual” are all sexual orientations. A person’s sexual orientation is distinct from a person’s gender identity and expression.

### **Transphobia**

Transphobia is the fear, dislike or hatred of people who are trans, or are perceived to challenge gender ‘norms’ of male or female. Transphobia can result in individual and institutional discrimination, prejudice and violence. You do not have to be trans to suffer transphobia. Common examples are making derogatory comments about a man being ‘sissy’ or a woman being ‘butch’: the underlying premise is that there is a ‘normal’ way for men and women to look and behave, and that diverging from that is abnormal.

EVERYONE HAS A ...

Sex assigned at birth

Gender identity

Gender expression

Sexual orientation

For further definitions see, for example, the Glossary of Terms of Transgender Equality Network Ireland (TENI) <https://www.teni.ie/resources/trans-terms/>