

# LGBTI - Gender Affirmation Guidelines

## EnergyAustralia

## Introduction

These guidelines should be read in conjunction with the Code of Conduct, Workplace Behaviour Policy, Diversity Policy and Leave Policy.

The guidelines apply to all EnergyAustralia workplaces and have been developed to ensure fair and consistent treatment of transgender employees. The guidelines provide advice and guidance to enable us to foster an inclusive and productive environment for all employees.

It is important that when following these guidelines, consultation should be sought with People and Culture Team if in any doubt.

The Employee Assistance Program (EAP) is also available to support our employees in managing their work/life balance. You are encouraged to make use of the EAP if you wish to speak confidentially with someone.



## Background

### **Why have these guidelines?**

We value and demonstrate respect for the uniqueness of individuals and the varied perspectives and talents they provide. We foster an inclusive work environment and actively embrace a diversity of people, ideas, talents and experiences.

Having an inclusive environment means that employees can be honest and open about who they are. These guidelines were created to help foster dialogue and understanding of transgender issues in the workplace.

### **What is Gender Diversity?**

Gender diversity is a range of gender identities that sit outside social expectations. These are umbrella terms that includes people who are transgender, non-binary, gender neutral, or otherwise gender non-conforming. Not all people who consider themselves gender diverse or transgender (or who may be considered by others as) will undergo a gender affirmation<sup>1</sup>.

Just as there are gay, lesbian and bisexual employees at EnergyAustralia, there are also employees who are transgender or gender diverse.

### **What is gender identity?**

Gender identity is a person's innate, deeply felt psychological identification as male or female. This may or may not correspond to that person's body or sex as assigned at birth. Transgender or gender diverse people often say that they are trapped in the wrong body; they were born one sex but feel more like another; or they do not feel they conform to either male or female. Health care professionals often describe this as gender dysphoria, literally, feeling confusion about one's gender. For those who are transgender, coming out means acknowledging their gender identity — the internal sense of being male or female — and then determining how to express that identity.

### **What is Gender Affirmation?**

The process of a transgender individual publicly changing their gender presentation in society has been known as 'transitioning', however this is now more often referred to as 'Gender Affirmation'. Gender Affirmation is an interpersonal, interactive process whereby a person receives social recognition and support for their gender identity and expression. The individual usually changes their name, clothing and appearance and it may also entail anatomical changes. If the individual remains at their same place of employment during this period, it can be known as 'affirming their gender in the workplace'.

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<sup>1</sup> Refer to "What is Gender Affirmation?"

## Rights and Responsibilities

There are rights, expectations and responsibilities of each party associated with an affirmation in the workplace and it is essential that open and honest communication is established to build trust for each party. With each right comes responsibility or expectation. A successful affirmation in the workplace can only occur with the commitment and understanding of everyone involved.

### Guidance for Affirming Employees

If you are an affirming employee, you have the right to openly be who you are. This means, while still maintaining professional expectations, expressing your gender identity, characteristics or expression without fear of consequences. With this right comes the expectation that you will work with others to ensure they understand your needs and that you clearly understand this expectation as a part of your affirmation at EnergyAustralia.

#### **Who should I speak to at work about affirming (transitioning) and when?**

It is important that you inform certain people who can support and assist you in the workplace. Your first point of contact may be your immediate leader or the People and Culture team.

Contact should be initiated by the employee well ahead of their planned affirmation date. Explain your intentions, needs and concerns to the person you've chosen to speak to.

#### **What do I need to do to start preparing for my affirmation?**

Your leader, the People and Culture Team and others may not be educated about transgender, gender diverse or non-binary issues and may not understand clearly what your needs may be. You should be prepared to spend some time educating people.

We recommend creating a Workplace Transition Plan as part of your transition process. This can be used as a springboard for initial conversations as well as a way to help create the support team you will need during this time. Some suggestions for how to create a Transition Plan can be found at the end of this document.

#### **Am I covered under the EnergyAustralia Workplace Behaviour Policy?**

Yes. EnergyAustralia is committed to providing an equitable work environment for all employees that is safe, flexible, fair, culturally appropriate and professional. EnergyAustralia believes a culture which respects our brand personality and behaviours is critical to the achievement of our business goals. EnergyAustralia's personality and behaviours are built on a foundation of people working together in a discrimination-free environment where everyone is treated fairly and equitably.

#### **What am I entitled to as an employee?**

As an employee of EnergyAustralia who is wishing to affirm their gender, you are entitled to four (4) weeks paid leave, which can be taken in one block or broken into multiple. You are also entitled to up to twelve (12) months unpaid leave, including the paid portion to ensure that you can affirm your gender at your own pace.



## Guidance for Leaders

If you have an employee who is affirming their gender, it is important that you demonstrate sensitivity and understanding of their needs and concerns. It may be frightening to an employee to make themselves vulnerable to a person in a supervisory capacity.

### **How can I show my support?**

If you are unfamiliar with the process, allow the individual to educate you or leverage coaching and resources available to you through the People and Culture team or external resources. Listen carefully to what the individual is telling you, be open-minded and discuss with the individual their needs and concerns.

### **Can I ask questions?**

Yes. Allow the employee to help educate you. You can also seek advice and assistance from the People and Culture team or the Employee Assistance Program (EAP) as well as external resources (available below). Make it clear to the employee that your conversation will be confidential and explain any concerns you might have and ask the employee's opinion regarding the best method and time for informing co-workers about the process.

### **What are my responsibilities?**

Be open and receptive to your employee to be able to foster an environment where they feel safe.

Partner with your employee to ensure their Affirmation Plan is prepared and understood. During the early stages, few, if any, accommodations will be required on your part. However, at some point, you may be faced with issues concerning an employee's physical appearance and use of restroom facilities. Please refer to the Frequently Asked Questions section of these guidelines.

### **What if other employees are concerned?**

A lack of knowledge about transgender issues has the potential for creating misunderstanding in the workplace. While everyone is expected to conduct themselves in accordance with the Company's policies, we must also ensure that a forum is made available for individuals to express their concerns, ask questions and learn about gender affirmation in the workplace. Such a forum may be a meeting between Leader and employee, support from your People and Culture Team and making these guidelines available to employees.

It's important employees know what to expect when the individual begins their affirmation. Establishing some level of comfort as to what the transition is and why it is happening is important in preventing future misunderstandings.

People who raise concerns about a transgender co-worker should be provided EnergyAustralia's Workplace Behaviour Policy. They should be coached to differentiate personal beliefs from appropriate workplace behaviours where necessary. They will need to work cooperatively with their co-workers regardless of their gender identity and be made



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aware that failure to do so could result in disciplinary action, including termination of their employment.

If any employees express concern regarding the appearance of a transsexual co-worker after reviewing EnergyAustralia's policies or if they are curious about the change in appearance, the leader may meet with team members individually to inform them of the change and to answer questions.

If individuals have concerns with a transsexual co-worker's usage of a restroom or other sex segregated facility after reviewing EnergyAustralia's policies, the individual with the concern may be permitted to use a different or single occupancy facility, if such facilities exist at that work location.



## Guidance for Co-workers

There is no one 'right' way to demonstrate your support. If a co-worker is affirming their gender and you are not certain which pronouns to use, it is appropriate to respectfully ask his or her name and which pronouns you should use. In general, it is considered insensitive to refer to someone by the wrong pronouns once you have established which set is preferred.

Below is a table that includes the most commonly referred to pronouns. Please note that these are not the only pronouns and there are infinite number of pronouns as new ones emerge in our language. Always ask someone for their pronouns in a respectful way.

Subjective	Objective	Possessive	Reflexive	Example
She	Hers	Her	Herself	She is speaking The backpack is hers I listened to her
He	Him	His	Himself	He is speaking I listened to him The backpack is his
They	Them	Theirs	Themselves	They are speaking I listened to them The backpack is theirs
Ze	Hir/Zir	Hirs/Zirs	Hirself/Zirself	Ze is speaking I listened to hir The backpack is zirs

While there is an education process for co-workers, there will be boundaries and some subjects will be off limits.

### **What sort of questions would be considered inappropriate?**

This can vary from individual to individual and depends on many things such as family circumstances or how the affirming employee's gender dysphoria impacts them.

### **Be as open and honest as you would like your co-worker to be with you**

Co-workers need to be aware that if the transitioning employee isn't comfortable with a conversation, it is reasonable for them to decline to answer or continue the conversation without having to give a long explanation. Normal professional behaviour is expected.

### **Here are some behaviours that help create an inclusive workplace**

- If this is new for you, and if you feel awkward, say so
- Ask your co-worker to be honest with you about what you say or do, which may make him or her feel uncomfortable
- Tell your co-worker if he or she does or says something that makes you uncomfortable
- Take the time to talk and be prepared to listen
- Don't make assumptions. Not everyone's appearance or behaviour plays to stereotypes



- Know and understand EnergyAustralia's policies that pertain to sexual orientation and gender identity: non-discrimination, harassment, etc.
- Let your co-workers know that you won't tolerate even subtle forms of discrimination or harassment in the workplace

**What can I learn from this?**

Each of us can have an immense impact on the individual transitioning by focusing on making it a positive experience.

The individual transitioning may find support that provides retention and productivity benefits.





## Frequently Asked Questions

The below questions are intended as a guide, if you require further advice and guidance, please contact the People and Culture Team.

### **What are the appearance standards for a transgender / gender diverse or non-binary employee?**

Individuals who are affirming their gender will assume the appearance and role for their gender identity. For employees who are non-binary or gender diverse dress standards may vary depending on their gender identity. The decision as to when and how to begin the real-life experience remains the employee's choice. Part of that experience is dressing in the desired gender role.

Generally, an affirming employee will dress the same as other individuals of the desired gender in the workplace. A transgender employee is permitted to dress consistently with their gender identity and is required to comply with the same standards of dress and appearance that apply to all other people in their workplace and similar position.

Any concerns should be addressed with the employee directly and care should be given of personal opinions regarding a colleague's professional appearance. If the individual dresses or behaves inappropriately, this issue should be dealt with in the same manner as with any other individual. You should refer to EnergyAustralia's Dress Policy or contact the People and Culture Team directly with questions or concerns.

### **Use of restrooms**

Restroom access issues need to be handled with sensitivity not only to the Company's obligation to provide employees with the same level of restroom access available to non-transgender employees, but also to the emotional responses and privacy concerns of co-workers sharing facilities with a transgender co-worker.

All employees will be permitted to use the facilities that correspond to their gender identity. However, usage of available single occupancy facilities may be considered for a temporary period during the employee's affirmation or on an ongoing basis.

Once the affirmation process is complete, a transgender employee has the right to the same access as a non-transgender employee of the same gender.

Co-workers who have personal concerns about sharing a restroom with a transgendered individual should have a discussion with the People and Culture Team.



## **Name and Photo changes**

The employee's records and work-related documents should be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) unless and until the individual makes a legal change. The employee must provide proof of their legal name change and action this to change their name and gender in all employee data systems and other administrative records.

At the first opportunity, the employee's leader should request that all photographs on display in the workplace, including their security pass, are updated with a photo portraying the individual in their new, re-assigned gender.

In everyday written and oral speech, the new name and pronouns should be used when the individual is ready.

If you are not certain which pronouns to use, it is appropriate to respectfully ask their name and which pronouns you should use. Try asking: 'What pronouns do you use?' or 'Can you remind me what pronouns you use?' It can feel awkward at first, but it is not half as awkward as making a hurtful assumption.

## **Where can I find more information?**

If you would like to read further information on Transgender in the Workplace, please refer to:

- **Victorian Equal Opportunity and Human Rights Commission** - [Guideline: Transgender People at Work](#) – information that can help you to develop a plan for transgender workers.
- **NSW Gender Centre Fact Sheets** – these are provided for workplaces to ensure that employees are supporting in the workplace including anti-discrimination – [click here](#)
- **Trans Medical Research** - a great source of information about being transgender and transgender health and wellbeing – [more information here](#)
- **Transgender Victoria** – educates workplaces on how to provide better services for Transgender people and ways to provide services to the community - [more information here](#)
- **Let's Talk Gender** - Pride in Diversity publication. This is a closer look at gender diversity within the workplace. Appendix B makes a special reference to recruitment of gender diverse employees – [more information here](#)



## Terminology you may encounter

### Coming out

This is the process in which a person first acknowledges, accepts and appreciates their sexual orientation or gender identity and begins to share that with others. This process can be challenging and may be accompanied by a wide range of emotions because the person coming out often does not know how friends, relatives, co-workers or others may react

### Gender

Gender (sometimes referred to as sex) refers to the biological attributes that classify one as male or female. Gender (masculine or feminine) is generally associated with features that include physical sex and other features such as height, weight and body hair.

### Gender characteristics

Gender characteristics include dress, mannerisms, physical characteristics, speech patterns or other external characteristics and behaviours that are socially defined as either masculine or feminine. Social or cultural norms can vary widely and some characteristics which may be accepted as masculine, feminine or neutral in one culture may not be assessed the same in another.

### Gender identity

Gender identity is a person's innate, deeply felt psychological identification as male or female. This may or may not correspond to that person's body or sex as assigned at birth.

### Gender Dysphoria / Gender Incongruence

Gender Incongruence is better known as Gender Dysphoria and is defined as the feeling distress and discomfort caused by the conflict between one's gender identity and one's sex at birth. Some people who experience this condition are transsexual, but not all transsexual people experience gender dysphoria. Furthermore, not all people with gender dysphoria are transsexuals. In 2019, the World Health Organisation (WHO) removed Gender Dysphoria from its list of mental illnesses.

### Presentation / Gender Expression

Presentation or Gender Expression refers to how a person expresses their gender to the world (see Gender characteristics). A person may be biologically one gender, but present as that of their gender identity. This is an important milestone in the transition process.

### Transgender/Trans

Transgender/Trans is a broad term that applies to people who live all or substantial portions of their lives expressing an innate sense of gender other than their birth sex. This includes transsexual and people who simply feel like their biological sex fails to reflect their true gender.

### Gender Affirmation

This is the process through which a person modifies his/her physical characteristics and/or manner of expression to satisfy the standards for membership in a gender other than the one he/she was assigned at birth. Some people affirm their gender simply by living as a member of the other gender, while others undergo medical treatment to alter their physical characteristics. This may or may not include hormone therapy and eventual sex reassignment surgery.

### Transsexual

A person who identifies with the roles, expectations and expressions more commonly associated with a sex different from one he/she was assigned at birth, a transsexual often seeks to change his/her physical characteristics and manner of expression to transition to the other gender.

### Non-Binary

A non-binary person is someone who does not identify as exclusively a man or a woman. In really simple terms, someone who is non-binary might feel like a mix of genders, or like they have no gender at all.

### Gender Diverse

People who identify as gender diverse do not specifically align within the western binary of gender and usually sit outside of male or female in relation to their gender identity.

## Appendix A: Planning for a Gender Affirmation

These are the recommended steps in an on-the-job transition for an individual wanted to affirm their gender whilst employed at EnergyAustralia. It may be appropriate to adapt this generic process to fit an individual person or a specific location. This planning document is to be used as a supplementary tool for the purpose of planning a transition.

### Advance Preparation

1. The individual should meet with their Leader and a representative from the People and Culture team. The individual shares their status and intent to transition.
2. Employee's leader and People and Culture should then seek permission from the employee to meet with the Business Unit leader for informing, garnering support and involving them appropriately in the announcement of the transition.
3. The appropriate set of stakeholders should be identified to plan the affirmation. This will include the individual, his or her leader and People and Culture. If necessary, involve others as locally appropriate, such as Diversity & Inclusion representative. The stakeholders should become familiar with educational resources, including Company policy and external resources (where available).
4. Plan the transition. Include solutions to the issues listed here:
  - a. The date of the transition, i.e. the first day of the change of gender presentation, pronoun usage and name. Recognise that this date will be driven primarily by the individual's situation and progress;
  - b. How the individual's workgroup, clients and/or vendors will be informed of the change;
  - c. Before the general announcement the individual may choose to talk to some of their co-workers to disclose their planned announcement on a one-on-one basis;
  - d. Whether there needs to be an educational workshop given to staff;
  - e. What changes will be made to records and systems, and when;
  - f. How the current policies against discrimination, harassment and benefits will protect the individual;
  - g. How the dress code will be followed;
  - h. The expected plan for use of gender-specific facilities, such as restrooms;
  - i. Any time off required for medical treatment, if known;
5. Make advance arrangements for name changes to be effective on the day of transition, so that resources will be available on the first day. Please refer to The First Day of Full-Time Workplace Gender Transition below. Consider how long certain changes may take (e.g. legal name changes in human resource systems, company directory, etc.).

### The Day of the Announcement

1. Hold a workgroup meeting or include this in an existing face-to-face meeting and Teleconference in any non-local stakeholders. Everyone in the workgroup who the individual interacts with often should be included. Do not do this by email. A handout is optional in conjunction with the face-to-face meeting. The individual should choose whether to be personally present at this meeting, depending on comfort level.
2. The leader of the workgroup (the department head, for example) should make the announcement, in conjunction with the highest level leader in the group, to show support. The leaders should:
  - a. Make it clear that the individual is valued and has management's full support in making the transition;
  - b. Explain Company policy and expectations;



- c. Stress that on the day the individual will present themselves consistently with their gender identity and should be treated as such; for example they should be called by the new name and new pronouns;
- d. Lead by example. Use the new name and pronouns in all official and unofficial communication;
- e. Make it clear that the transition is 'no big deal' and that work will continue as before;
- f. Answer people's questions;
- g. If an educational workshop is part of the transition plan, announce it;

### **The First Day of Full-Time Workplace Gender Transition**

On the first day of transition, the individual's leader should ensure the following steps are taken, as they would for a new or transferred individual:

1. Issue a new identification pass with a new name and photo.
2. Update any organisation charts, mailing lists and other references to the new name.
3. Follow-up on any incomplete name change related issues (email, etc.).
4. The leader should plan to be on site with the worker the first day to make introductions, support the individual, ensure respectful and inclusive treatment and make sure that work returns to normal after a few hours of transition.

## Appendix B: Transition Checklist

### Creating a Transition Plan and Checklist

A Transition Plan can help smooth the employee's transition by reducing uncertainties and giving everyone involved a common roadmap to from which to work.

#### Getting Started:

- You, as the individual, should engage a support team;
- Involve your leader, People and Culture team and/or other supportive co-workers to develop a transition plan that is appropriate for you and the company.

#### Develop a stakeholders list:

- Who are all the people in the company you may need to engage with at some point during the transition?
- When do they need to be engaged?
- Are there any specific issues that need to be addressed?

#### Create a timeline:

- What are the transitioning employee's milestones?
- Identify dates such as legal name change, transition milestones, and other events;
- Document agreements on appearance, dress code and use of gender-specific facilities;
- Review the stakeholder list and develop the program to allow time for education and engagement

#### Things to consider:

- Will workspace changes need to be made during the transition?
- How long do certain changes take? (e.g. legal name changes in HR systems, company directory, etc.)

#### Expect the unexpected:

Brainstorm potential roadblocks and adjust your transition plan accordingly.

For example:

- List all the things that a new employee must do during the first week of employment
  - getting a security pass photo, paperwork, etc.
- How long do these normally take?
- Do a search for your current name on the company Intranet. How many of these pages will need have altered or taken down?



<b>Employee Name:</b>	<b>Employee Title:</b>
<b>Leader Name:</b>	<b>Business Unit:</b>

<p><b>Does the employee want a support person to be involved in discussions about the transition plan? (E.g. workplace union representative, close co-worker)?</b></p> <p>Yes <input type="checkbox"/>                      No <input type="checkbox"/>                      If yes, insert name _____</p>							
<p><b>When will the employee commence transitioning? What will this involve?</b></p>							
<p><b>Will the employee be changing their name? If so, what will this name be and when should others start using it?</b></p>							
<p><b>What pronoun/s would the employee like others to use?</b></p> <p><i>i.e. She/her/hers/herself</i></p>							
<p><b>What names or pronouns should not be used? What will be the consequences of not using the preferred name or pronouns?</b></p>							
<p><b>When will other employees be advised about the transition? How and when will this occur?</b></p> <table border="1"> <thead> <tr> <th><u>Stakeholder/group</u></th> <th><u>When</u></th> <th><u>How</u></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	<u>Stakeholder/group</u>	<u>When</u>	<u>How</u>				
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<p><b>What questions about the transition are acceptable / unacceptable?</b></p>							
<p><b>What resources will be made available to other workers who have questions about the transition? Will training be provided and for which stakeholders?</b></p>							
<p><b>When will the employee commence using toilets and facilities that are appropriate to their affirmed gender?</b></p>							
<p><b>How will other employees be advised that the employee will commence using toilet facilities that are appropriate to their affirmed gender?</b></p>							



<b>Any other comments:</b>	
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<b>Action Items</b>	<b>Actioned</b> ✓
Finalise Comms (Prior to X Date)	
Advise IT of name change	
Advise People and Culture of Name Change	
Update Employee file/records with name change	