



# TRANSITIONING AT WORK GUIDANCE

Produced by Racing With Pride

# Transitioning At Work

Racing With Pride is horse racing's LGBT+ network made up of people from across the LGBT+ community and their many allies within the sport. As part of what we do we want to ensure that any colleagues who are considering transitioning at work are supported. We also want to ensure that those individuals who manage, or work alongside, colleagues who are transitioning are also supported. This note is offered as a starting point in terms of guidance and advice for all those people and should be read alongside any internal policies your organisation may already have in place relating to Transitioning at work.

This guidance document has been produced by Racing With Pride with legal support and guidance from the British Horseracing Authority. We have consulted with the following organisations and thank them for their support:

- National Association of Racing Staff
- National Trainers Federation
- Professional Jockeys Association
- Racing Welfare
- Injured Jockeys Fund
- Thoroughbred Breeders Association



# Before we start, let's ensure we understand some key definitions...

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## Sex (Anatomical Sex)

Assigned at birth on the basis of primary sex characteristics (genitalia) and reproductive functions.  
[Female / Intersex / Male]

## Gender Identity

An individual's sense of their own gender, which may or may not correspond to sex assigned at birth.  
[Man / Non-Binary / Woman / Other]

## Transitioning

Transitioning is the process that a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves telling people, dressing differently, changing official documents or medical intervention (although not all trans people want or are able to have this).

It is also important to recognise that the "final destination" of any transition may not be clear at the outset, and that that is ok. There may be changes of direction, people may change their mind or stop transitioning.

## In this document you will find information on the following:

*Click on any of the below to head to the relevant section.*

- Considerations if you **are thinking** about transitioning
- Facilities and Records
- Considerations if you **manage** somebody who is trans or transitioning
- Considerations if you **work** with somebody who is trans or transitioning
- Further information
- Definitions and Terminology
- The law

The information provided is not intended to be exhaustive but is intended to give employers and employees helpful headline information.

# Considerations if you are thinking about transitioning

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## Developing an action plan

If you are thinking about transitioning, then it is worthwhile putting together an action plan detailing what you want to happen in work to make your transition as easy as possible. Your manager, or Human Resources team (if your employer has one), may be able to help you or, alternatively, you may wish to speak to someone outside of work such as someone at Racing Welfare, the Injured Jockeys Fund, or your Trade Union (where appropriate) or in your relevant industry body (such as NARS, NTF, PJA etc). Transitioning is different for each person who experiences it and having an action plan can help you, and your employer, ensure that you get the support you need.

If you do not want your trans status to be revealed beyond a limited number of employees (such as your manager and/or Human Resources team, or perhaps a certain pool of colleagues) then it is important you discuss your wishes with your manager so that these can be factored into the action plan.

### **To get the most out of your action plan you may wish to include the following information:**

- What actions do you want to happen?
- Who will lead on each action and who may need to be informed or involved?
- What is the timeline for these actions to be completed?
- How long will it take to complete each action?
- What support will you need?

*You may wish to consider the following:*

## **Presenting as your gender**

Will you be using a new name, title, or pronouns?  
If so, when do you want people to start using these?  
How would you like people to be informed?

Will you be changing your presentation at work?  
If so, when are you going to start?

When (if at all) would you like to start using different bathrooms and changing rooms?

## **Managing any changes and meeting your needs**

Do you need to update any employee records (if you are changing your name, title or pronouns)? When do you want to do this?

Are there any reasonable workplace adjustments that your employer can help with to support you in your current role or workspace?

What leave might you need? Plan what these timelines could look like and what leave is available to you with your manager.

Are you happy to remain in the venue you currently work in? It may not be possible for you to change to a different venue depending on the type of organisation you work in but if you do want this to be considered then you should raise it with your manager (or HR where appropriate).

## How and when do you want to tell other people you work with?

Informing colleagues that you are transitioning may feel like a difficult step, but with the right support and planning in place it can be done sensitively and in your control.

- Consider the different groups you want to tell and when you want to do this. You may want to speak to direct work colleagues but also to external contractors, and/or people or organisations your organisation works closely with.
- How do you want to tell them? For example, do you want people informed individually or in a group? Do you want this to be via a letter, an email or face-to-face conversations?
- Do you want to tell people yourself? If you would prefer, a chosen representative may be able to do this for you if you give them permission.
- If people have any questions how would you like this managed? You can answer them yourself or ask that they be answered by an agreed representative. Remember that you should not feel obliged to answer any questions. If someone asks you a question that makes you feel uncomfortable, please speak to your manager (or HR, or a Trade Union representative where appropriate).

If someone has general questions about transitioning and trans people, it may be possible for your manager or someone else at your workplace to attend trans awareness training which, in the past, has been offered by the Racing With Pride network group. Please do contact Racing With Pride by emailing [info@racingwithpride.co.uk](mailto:info@racingwithpride.co.uk) if you think this is something that you or your organisation might benefit from.

## If you are being harassed or bullied for being trans, what can you do?

Your workplace should take a zero-tolerance approach to bullying and harassment of all types, including cases of transphobia (such as deliberately 'outing' you about your trans status without your consent or refusing to use your preferred name and correct pronouns). If this happens to you, check to see if your workplace has a bullying and harassment policy for more information on the steps to follow. If there isn't an internal policy then raise your concerns with your manager, HR (where appropriate) or another manager in the organisation.

People might make genuine mistakes, for example with pronouns, and this could be uncomfortable and distressing for both parties. It might be helpful to think about how you would react if this happens.

You can also anonymously report inappropriate behaviour to RaceWISE either online at [britishhorseracing.com/RaceWISE](https://britishhorseracing.com/RaceWISE) or by calling **0800 085 2580** for free. Hate crimes should be reported to the Police.

# Facilities and Records

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## Toilets, Changing and Locker Rooms

All users of facilities need to feel comfortable and safeguarded. Most employers will need to implement an individual plan that is appropriate for their workplace. If you are uncomfortable with what is in place at your workplace, or you are harassed while using the toilet, changing or locker rooms, speak to your manager or an official (or HR representative, or Trade Union representative where appropriate).

If you do not feel comfortable changing in communal changing rooms or locker rooms, ask if there are single occupancy spaces you can use. Not all workplaces will be able to have these solutions in place so if you are working somewhere that does not, you need to talk to your manager about your concerns and together come up with a solution that works for you.

If you are provided with overnight accommodation at times by your employer, then you should discuss any specific requirements you have with your employer in advance of staying overnight.

## Updating records

Changing your title - You can normally do this by contacting your manager (or an HR representative where appropriate) and requesting that this be changed.

Changing your name - For tax and insurance purposes, your employer will need a record of the name that appears on your legal records (such as your birth certificate and passport).

If your name on your official documents changes as part of your transition, it should be possible to change this on your workplace personnel records. If you use a computer at work then the relevant Information Systems person should be able to change your email address and signature.

If, when applying for a job, or as part of a promotion, you are required to undertake DBS checks, please be aware that the DBS has a confidential checking service for trans applicants who do not want to reveal details of their previous identity to the organisation that requires the check. Applicants should contact [sensitive@dbsgsi.gov.uk](mailto:sensitive@dbsgsi.gov.uk) or **0151 676 1452** for more information.

For more information on how you may legally change your name and/or in respect of gender recognition certificates you may want to visit <https://www.gov.uk/change-name-deed-poll> and <https://www.gov.uk/apply-gender-recognition-certificate> - or take legal advice. Any solicitor who specialises in family law matters should be able to assist you.

## Changing Your Security Pass

If you currently use photographic ID/a security pass and want to change this to reflect any changes to your name, pronouns or your photograph then this should be possible. Either speak to your manager or directly to the person in your organisation who is responsible for producing these passes.

## Adjustments in the Workplace

You may need to ask your workplace to consider reasonable adjustments to support you while transitioning. For example, trans men may wear binders, which restrict movement and if this is the case for you, you should discuss the impact at work with your manager (or HR as appropriate). Trans employees returning after surgery may not, at first, be able to undertake all aspects of their role and you should be honest with your manager about what you are/are not able to do and discuss what options may be available for you and your employer, taking into account the particular circumstances of the organisation.

## Leave

Trans employees are entitled to the same sickness absence and pay (if you are eligible) as other employees when sick.

If you intend to transition, please give as much notice as possible about any related time off you may need for appointments related to your transition. You are entitled by law to take reasonable time off for these appointments and whilst there is no general legal entitlement to be paid for time off to attend medical appointments, your employer's policies may entitle you to pay (or some pay) and you will be entitled to the same terms as would be the case for sickness absence. Working through your action plan with your manager or HR should help plan for this.

If you need to travel far for appointments, and if the timing of appointments is unpredictable, your manager should take this into account and support you as much as possible to attend. The more you discuss your situation with your manager and the more information you give them, the easier it will be for them to help you, so please do build in time to sit down and discuss the details of your transition with your manager.

Trans employees are specifically protected under the Equality Act for time off related to transitioning. You should not be treated less favourably for taking time off than you would be if your absence was the result of sickness or injury.

Absences should not be considered when applying for promotion or for a change in role.

# Considerations if you manage somebody who is trans or transitioning

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If you are managing someone who is transitioning, or if you are the HR representative supporting a transitioning colleague, please make sure you have read the guidance above, to understand the questions they may be facing, and the support they are likely to require from you.

*You should also:*

## **Discuss the questions in the Developing an action plan section.**

Ask for their opinions to find out what they want to happen and support them to develop and implement an action plan to manage their transitioning process.

## **Be sensitive and thoughtful**

It may be challenging for this person to make themselves vulnerable to their manager or more senior colleagues.

It is therefore important that you manage these conversations respectfully and listen to the needs of the individual to understand how you can best support.

## **Help to address any questions or concerns from colleagues or any relevant external groups.**

Don't let it all fall on the individual. Think about the type of queries that may be raised such as another employee challenging a transitioning employees request to use their bathroom of choice. It may be appropriate for you to send around some educational resources to employees. If you are asked questions that you cannot answer yourself, consider who you can approach for support within your relevant network and also think about attending Trans Awareness training.

## **You should be prepared to take responsibility for addressing any disrespectful or insensitive comments or behaviour, bullying or harassment, and any incidents where the individual feels uncomfortable.**

It is not the responsibility of the individual to address these issues, although you should speak to them about their preferences for how any such instances are dealt with and how they would like to be supported. This may involve supporting the individual to go through either formal or informal processes as described in your bullying and harassment policy.



**Ultimately, the level and type of support you provide as a manager should be led by the needs and preferences of the individual.**

It may also be helpful to have regular check-ins to see whether the support you are providing is working for them. Be prepared to be flexible and listen. Transitioning is not a rigid process with a fixed timeline. It is important to understand that some individuals may not know what support is available or whether and when they want to access this.

**Appointing a contact person**

It is considered good practice for an employer to appoint a person who will be the principal contact for an employee who is transitioning. This contact person should meet with the employee at an early stage and agree the process for managing the transition at work. This may be recorded as a written action plan. If your workplace is large enough to have access to an occupational health team, it may be useful for the manager to involve them, with the employee's consent.

# Considerations if you work with somebody who is trans or transitioning

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Transitioning can be a very difficult and complex time. If you are working with someone who is transitioning, your support is critical. Many people still do not know a lot about trans issues or the transitioning process, so here are some general guidelines on how to support someone who is transitioning.

**Always be sensitive, respectful and understanding to colleagues. Listen to the choices and needs of the individual — let them drive the process.**

Transition is something very individual and personal, and they should decide if, how and when they want to do things. Ask them how they want to be referred to and treated. If this is not something that you have personally experienced, imagine if this was your child or sibling or a close friend. Imagine how you would like them to be treated and adjust your own behaviour accordingly.

**Don't assume a person's gender.**

For instance, try not to question people's use of gendered bathrooms or changing facilities. Everyone should be able to use the facilities that they feel most comfortable using without fear of harassment, in line with what the workplace has made available.

**Act in ways that show you accept their gender.**

Use their chosen name and pronouns. If you aren't sure what the correct pronouns are, ask. Sometimes you can use you/they/we to avoid gendered pronouns such as he/she. If you make a genuine mistake and use the wrong pronoun, correct yourself, apologise briefly and move on. Try not to make the same mistakes in future, though it is accepted that mistakes will happen.

**Respect people's privacy and personal boundaries.**

Avoid asking personal or probing questions. Do not ask about people's "birth", "old", "real" or "dead" name or gender. Do not ask whether someone has had surgery. Repeatedly asking questions which make someone feel uncomfortable could be a form of harassment.

**Ensure confidentiality. Do not tell others about someone's trans status without their permission.**

If somebody tells you that they are trans, they may be telling you something very private and trusting you to keep it secret. Don't assume that they have told other people. If you need to tell another colleague about a person's trans status (for example, to update a record or for other legitimate business purposes), ask the individual's permission first. If documents need to be kept that have information about the person's previous name or their transition process, keep these confidential. Make it clear that any conversations about transition are in confidence.

Deliberate bullying or harassment is always unacceptable, and your employer should have a zero-tolerance approach to that sort of behaviour.

Deliberately "outing" someone about their trans status without their consent or refusing to address a trans person by their preferred name and pronouns are both forms of harassment and are likely to be deemed as bullying and harassment by your employer.

# Further information

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There is a wealth of additional information available and if you want to read more then consider the following:

LGBT+ Awareness and Inclusion e-learning and Diversity and Inclusion module on [Racing2Learn](#).

You can also speak to Racing With Pride about the possibility of you or someone at your organisation attending a Trans Awareness training session.

As a starting point, we have included some headline additional information that may help your understanding (or the understanding of people who are supporting your transition) but this is not intended to cover all the relevant information. If you are looking to find out more or seek further support/resources please contact Racing With Pride who can share additional resources as necessary.

We also appreciate that communicating messages around LGBT+ more widely can be daunting, so Racing With Pride has worked with Sports Media LGBT+ to create a guidance pack for doing just that: [RAINBOW READY: Resources for Communicating LGBT+ Inclusion in British Horseracing - Strategy and media guidelines](#).

This document aims to equip individuals and organisations with the knowledge and associated confidence to appropriately and effectively share the message of inclusion across British horseracing.

# Definitions and Terminology

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## **Ally**

A person who fights for and supports others in their fight for equality, despite not necessarily being affected themselves.

## **Cis / Cisgender**

A person whose gender identity aligns with the sex they were assigned at birth e.g., a person who was assigned female at birth who identifies as a woman.

## **Gender Critical**

A person who holds the belief that biological sex characteristics of the body are the single determining factor in whether a person can be male or female.

## **Gender expression / Gender presentation**

How a person outwardly presents their gender within the context of societal expectations. For example, through what they wear, how they speak or how they act.

## **Gender fluid**

A person whose gender identity is not static. It may change on a daily / weekly / monthly basis; this is different for everyone.

## **Gender identity**

An individual's sense of their own gender, which may or may not correspond to sex assigned at birth.

## **Gender non-conforming**

A person whose gender expression or gender presentation diverges from that which is expected for their gender. These people may or may not be trans.

## **Gender queer**

A person whose gender identity is neither male nor female, is between or beyond genders, or is a combination of genders. Sometimes a synonym for non-binary.

## **Intersex**

A person is assigned intersex, often at birth, when their sex characteristics don't align completely / exclusively with medical definitions of 'male' or 'female'. This can include the external and internal body, as well as chromosomes and hormones. Intersex people may or may not identify as trans.

## **Non-binary**

An umbrella term for people whose gender identity doesn't sit comfortably with "man" or "woman". Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

## **Out / Coming out**

LGBT+ people living openly and telling people about their sexual orientation or gender identity. This is a process; it is not something that happens on one occasion. Some people will be out in some places and to some people, but not to others.

## **Pronouns**

Words used to refer to someone when they are not using their name e.g., he, she, his, hers, they, it. They usually suggest a person's gender, but not always e.g., a non-binary person may use he or she pronouns. Some people use gender neutral pronouns such as they / them / theirs, or neopronouns. There are many of these, such as xe, xem, xyrs, ze, zir, per.

## **Questioning**

A word used to describe people who are unsure or exploring their sexual orientation or gender identity.

## **Sex / Gender assigned at birth**

People are assigned a sex at birth, based on sex characteristics (normally external genitalia). A person may be assigned 'male', 'female' or 'intersex'. This does not necessarily reflect how a person will identify or feel about themselves.

## **Trans**

An umbrella term encompassing all forms of gender non-conformity. Trans people may describe themselves using a wide variety of terms including but not limited to those that identify as transgender, non-binary, genderqueer, genderfluid, agender or are of non-Western gender identities and those who have a trans history.

## **Transgender**

A term describing people whose gender is not the same as or does not sit comfortably with the sex they were assigned at birth.

## **Transgender man / trans man / trans masculine**

Someone who was assigned a female sex at birth, but who identifies as male or masculine.

## **Transgender woman / trans woman / trans feminine**

Someone who was assigned a male sex at birth, but who identifies as female or feminine.

## **Transitioning**

The process that a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves telling people, dressing differently, changing official documents or medical intervention (although not all trans people want or are able to have this).

## **Transphobia**

Discrimination against, fear of and / or dislike of trans people (including those perceived to be trans). This includes the perpetuation of negative myths and stereotypes through jokes and / or through personal thoughts.

# The law

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## Equality Act 2010

The Equality Act 2010 protects employees against less favourable treatment because they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex. The Act uses the term “transsexual person” to refer to such an employee and refers to the protected characteristic as “gender reassignment”. Under the Equality Act 2010, a person is not required to be under medical supervision to be protected from discrimination because of gender reassignment.

Section 16 of the Equality Act 2010 provides that it will be unlawful discrimination for an employer to treat an employee less favourably in relation to their absence because of gender reassignment than the employer would treat the employee if their absence were for sickness or injury; or their absence were for some other reason and it was not reasonable for the employee to be treated less favourably.

The Act also protects employees against indirect discrimination and harassment relating to gender reassignment, and victimisation because they have complained of discrimination, supported someone to make a complaint or given evidence in relation to a complaint.

It is likely to be unlawful under the Equality Act 2010 to require an employee to move to a different job on transition unless (which applies in limited cases) there is a genuine occupational requirement which applies to the job, which means it is lawful to require the employee to move job, temporarily or permanently, or to dismiss the employee if no other work was available.

## Gender Recognition Act 2004

Individuals who have transitioned are able to apply, under the Gender Recognition Act 2004, for a gender recognition certificate. Individuals with a gender recognition certificate are, for all purposes, of the affirmed gender (referred to as the “acquired gender” in the Act). Not all transgender people who have transitioned will apply for a gender recognition certificate. There may be personal reasons, such as an existing marriage or civil partnership, why a transgender person has not applied for a certificate.

Disclosure of information about the gender history of someone with a gender recognition certificate may be a criminal offence.

## **General Data Protection Regulation**

Employers must take particular care to ensure that they comply with the requirements of the General Data Protection Regulation (2016/679 EU) (GDPR), due to the sensitive nature of information about an employee's gender transition. Access to the personal data must be strictly limited to employees for whom it is necessary, and the records must be kept secure. The employer must ensure that it has a legal basis under the GDPR for processing personal data relating to the employee's transition. It must process only the minimum data necessary and retain it for no longer than is necessary for the particular purpose.

Health information is one of the special categories of personal data under the GDPR (these are broadly the same as sensitive personal data under the previous Data Protection Act 1998 regime), therefore information about gender transition is likely to be special category data, particularly where the transition involves medical supervision. An employer can process special category data only where one of the conditions set out in the GDPR is met. In the employment context, the most relevant condition is that the processing is necessary for the purposes of performing or exercising employment law obligations or rights. The Data Protection Act 2018, which supplements the provisions of the GDPR, allows such processing provided that the employer has in place a policy document that explains how it will comply with the principles of the GDPR in relation to the special category personal data and that sets out its policies on retention and erasure of the data.



Produced by Racing With Pride in February 2023,  
this document will be annually reviewed and updated.

Any feedback can be shared with [info@racingwithpride.co.uk](mailto:info@racingwithpride.co.uk)