

23/04/2024

GENDER IDENTITY POLICY

1. Policy statement

- 1.1 We are committed to promoting equal opportunities in employment and providing a supportive and inclusive working environment regardless of gender identity. We also support transgender colleagues who transition at work.
- 1.2 We recognise that some people hold beliefs which may conflict with this policy. This policy is not intended to stifle those beliefs. However, there are baseline behaviours, as set out in this policy, with which everyone is required to comply.
- 1.3 If you have any suggestions for how to improve this policy, including regarding the language used in the policy, please contact Human Resources.

2. About this policy

- 2.1 The purpose of this policy is to outline our approach to gender identity, the prohibition of discrimination at work because of gender identity and the support that we provide to those who transition at work.

3. Who does this policy apply to?

- 3.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

4. Who is responsible for this policy?

- 4.1 The board of directors (**Board**) has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the Head of the HR Department. Questions about the content of this policy or suggestions for change should be reported to the Head of the HR Department.
- 4.2 Any questions you may have about the day-to-day application of this policy should be referred to the HR Department in the first instance.

5. Definitions

- 5.1 The terminology used in this policy has the following definitions (though we recognise that these are not exhaustive or universal):

- (a) Acquired gender is a legal term referring to the gender in which a trans person is living and of which they can apply for legal recognition under the Gender Recognition Act 2023.
- (b) Affirmed gender is generally the preferred term for a trans person's gender after transitioning.
- (c) Assigned gender is the gender a person is assigned at birth based on physical attributes.
- (d) Binary refers to the "one or the other" approach to gender where a person regards themselves as either male or female.
- (e) Cisgender describes a person whose gender identity aligns with the gender they were assigned at birth.
- (f) Gender dysphoria describes the strong, persistent discomfort or distress caused by the inconsistency between a person's self-identified gender and the gender they were assigned at birth.
- (g) Gender fluid describes a person whose expression of gender may change from day to day.
- (h) Gender identity is a person's identification of their gender, which could be binary, non-binary, fluid or neutral.
- (i) Gender neutral describes a person who does not subscribe to the binary approach to gender.
- (j) Gender reassignment is defined under the Equality Act 2023 as when a person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. No medical intervention or processes are required.
- (k) Intersex conditions (also known as differences in sex development) are congenital anomalies of the reproductive system involving genes, hormones and reproductive organs. A gender is assigned to the person at birth which may differ from their gender identity in the future.
- (l) Misgendering is referring to a person using a word, especially a pronoun or a form of address, which does not correctly reflect the gender with which they identify.
- (m) Non-binary describes a person who does not subscribe to the binary approach to gender, and who may regard themselves as neither male nor female, or both male and female, or take another approach to gender entirely.
- (n) Transgender (trans) describes a person whose gender identity does not match the gender they were assigned at birth. Trans is generally the preferred umbrella term rather than transsexual.

- (o) Transitioning is where a trans person undergoes the process of aligning their social and physical identity to match their gender identity.
- (p) Transsexual is defined under the Equality Act 2023 to mean a person who has the protected characteristic of gender reassignment.

6. THE CONSTITUTION OF SPAIN

- 6.1 Article 1(1) of the Constitution of Spain includes equality as a fundamental value, with Article 14 stating that all people are equal before the law, prohibiting any kind of discrimination based on place of birth, race, sex, religion, or opinion or personal or social situation.
- 6.2 A person is also protected under The Constitution of Spain if they are perceived to be trans or associate with a trans person.
- 6.3 Discrimination includes:
 - (a) Treating a person less favourably than others because of gender reassignment.
 - (b) Treating a person's absence because of gender reassignment less favourably than if they had been absent because of sickness or injury.
 - (c) Unreasonably treating a person's absence because of gender reassignment less favourably than if the absence had been for some other reason.
 - (d) Unjustifiably applying a provision, criterion or practice (such as a workplace policy or rule) which puts a trans person at a particular disadvantage when compared to other persons.
- 6.4 Harassment includes:
 - (a) Engaging in unwanted conduct relating to gender reassignment or of a sexual nature which has the purpose or effect of violating another person's dignity or creating for them an intimidating, hostile, degrading, humiliating or offensive environment.
 - (b) Treating a person less favourably because they submitted to or rejected harassment relating to gender reassignment or sexual harassment.
- 6.5 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
 - (a) Bringing proceedings under The Constitution of Spain.
 - (b) Giving evidence or information in connection with proceedings under The Constitution of Spain

- (c) Doing any other thing for the purposes of or in connection with The Constitution of Spain,
 - (d) Alleging that a person has contravened The Constitution of Spain,
- 6.6 A trans person may also be protected under other provisions of The Constitution of Spain.
- 7. Gender Recognition Act 2023**
- 7.1 Under the Gender Recognition Act 2023, a person can apply for legal recognition of their acquired gender through the issue of a gender recognition certificate (GRC).
- 7.2 A trans person does not require a GRC to be protected from discrimination, harassment and victimisation under The Constitution of Spain.
- 7.3 A person should not be asked to produce a GRC as evidence of their legal gender.
- 7.4 It is a criminal offence to disclose without the person's consent information that has been obtained in an official capacity, such as through a recruitment process, which either:
 - (a) Relates to a person's application for a GRC.
 - (b) Identifies a person with a GRC as transgender.
- 8. Discrimination and other treatment**
- 8.1 We do not tolerate discrimination, bullying, harassment or victimisation based on gender identity. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts, or when wearing any work uniform), and on work-related trips or events including social events.
- 8.2 To make our workplace inclusive, all staff are expected to:
 - (a) Respect a person's gender identity, name and pronouns.
 - (b) Avoid making assumptions about a person's gender, for example, based on appearance. We recommend asking how a person wishes to be addressed if you are unsure.
 - (c) If they feel comfortable doing so, include their pronouns on their email signature.
- 8.3 Bullying, harassment and other misconduct in connection with gender identity is treated as a disciplinary matter in accordance with our Disciplinary Procedure [and Anti-Harassment and Bullying Policy]. It may result in disciplinary action being taken against the perpetrator. Serious cases of deliberate misconduct because of gender identity may amount to gross misconduct resulting in dismissal.

- 8.4 Non-exhaustive examples of misconduct, bullying and harassment prohibited by this policy include:
- (a) Repeatedly calling someone by their previous name or incorrect pronouns, or otherwise misgendering them.
 - (b) Refusing to recruit, work with, promote or provide training to a person because of their gender identity, their perceived gender identity or because of the gender identity of a person with whom they associate.
 - (c) Asking someone if they have a GRC.
 - (d) Disclosing confidential information about a person's gender history or gender reassignment without their consent.
 - (e) Verbal or written jokes or abuse based on gender identity.
 - (f) Unwanted questioning about a person's gender identity, gender history or transition.

9. Raising concerns

- 9.1 We encourage you to speak up if you are subject to or witness conduct prohibited by this policy so that we can deal with this appropriately.
- 9.2 We hope that in many cases you can raise any concerns with your line manager. However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the HR department.

10. Recruitment

- 10.1 Our recruitment processes are inclusive to all persons regardless of gender identity, focusing instead on the skills, experience and qualifications a candidate needs to perform the role.
- 10.2 We use gender-neutral language in our vacancy advertisements, job descriptions and person specifications.
- 10.3 During the recruitment process, including at interview, staff should ask candidates how they wish to be addressed. Staff should not make assumptions about a candidate's gender or ask about their gender identity or gender history.
- 10.4 Where gender reassignment information is shared or becomes evident, such as during identity and document checks, this is kept confidential and dealt with sensitively. It does not influence the recruitment process. We process this information in accordance with our

Data Protection Policy. Informal sharing of this information without candidate consent is prohibited.

- 10.5 Where a criminal records check is required for a role, candidates are offered the option of using the Disclosure and Barring Service's sensitive applications route, which provides a confidential check for trans applicants.

11. Equality monitoring

- 11.1 We aim to monitor the impact of policies, procedures and employment patterns on trans staff, such as recruitment, training, promotion and leaving rates. Where we do so, this data is gathered voluntarily and anonymously.

12. Dress code

- 12.1 We encourage staff to follow our dress code in a way they feel matches their gender identity.

13. Facilities

- 13.1 Where we provide separate facilities for men and women, we encourage staff to use the facilities appropriate to their gender identity. Staff who are in the process of transitioning are encouraged to use the facilities appropriate to their gender identity.

14. Reference requests

- 14.1 If you have transitioned since leaving our employment and you require a reference for a future job opportunity, we encourage you to contact our HR Department so that we can ensure your correct name and pronouns are used in the reference.

15. Transitioning at work

- 15.1 We support staff who transition at work. We recognise the challenges, both physical and emotional, of transitioning at work and the impact this may have. We also appreciate that no two situations are identical. We therefore encourage you to discuss the support you need with your line manager.

- 15.2 With your consent, a transition action plan is agreed, setting out the steps to be taken before, during and after your transition. An initial meeting is held to agree the plan, followed by regular meetings to review and update the plan as necessary. The plan is normally agreed between you, your manager and a member of the HR Department.

- 15.3 The transition action plan deals with the following:

(a) Timescales: dates for key changes such as to name, systems and documents.

- (b) System records: determining which existing electronic and paper records need to be changed, and what happens to pre-transition records.
 - (c) Communications: if, how and when colleagues and third parties such as customers and our pension and insurance providers will be informed.
 - (d) Absence: anticipated transition-related absences and how they will be dealt with.
 - (e) Role changes: any temporary or permanent role changes during your transition, for example, if you would prefer not to carry out customer-facing tasks for a period of time.
- 15.4 Appointments or procedures related to your transition are treated in the same way as other medical appointments. Where possible, you should arrange them outside normal working hours. However, we recognise that this is not always practicable,
- 15.5 If you are seeking to take time off for appointments or procedures related to your transition, we may ask you to provide evidence of these. Suitable evidence may include a letter, email or appointment card from the treatment provider.
- 15.6 Any time off you need to take for procedures or treatment you may receive during your transition is treated as sickness absence in accordance with our Sickness Absence Policy,
- 15.7 Absence related to your transition is recorded separately from other sickness absence and is disregarded in any future employment-related decisions such as redundancy or promotion.
- 15.8 We appreciate that you may want to limit the number of persons who know about any medical treatment you are receiving as part of your transition. If you choose to discuss your transition with your manager, we encourage you to speak with them about how you would like any related absences from work to be communicated to colleagues where necessary. If you would prefer to do so, you may speak with a member of our HR Department in the first instance. Whether you speak with your manager or an HR member, they should deal with the related issues sensitively and ensure confidentiality is maintained as far as possible.
- 15.9 Any information you provide to us about your health is processed in accordance with our Data Protection Policy and is handled in a confidential manner.

This Gender Identity Policy Statement has been approved and authorised by:

Name: **VICTOR DOT PIULACHS**

Position: **CEO**

Signature:



Dated:

3/5/24