

Trans awareness training

EQUAL TREATMENT

By Sian Davies



Trans Awareness Training

Trans awareness training was recently delivered to judges in the Employment Tribunal (ET) and Asylum and Immigration Tribunal (AIT). This article covers why it was considered an important topic for judicial training, information about the session itself, how it was received and what its impact is likely to be within the Tribunals.

Who are trans people?

People who feel that the sex/gender they were assigned at birth does not match their sense of self, may use the term 'trans' to describe themselves. Approximately 1% of the population fall within the broad trans spectrum, which includes individuals who identify with the 'opposite' gender, have both male and female identities or experience another or no sense of gender.

Why train on trans awareness?

The updated *Equal Treatment Bench Book* (ETBB) devotes a chapter to trans individuals; Chapter 12 - Transgender People. It opens with an explanation of why it is important to engage with trans issues:

'Whilst awareness and understanding towards transgender people has increased in recent years, transgender people are highly likely to experience prejudice, discrimination and harassment in their daily lives, as well as violence. As a consequence, they are less likely to report crime or press charges, and they are likely to be apprehensive about coming to court, whether as an offender, witness or victim. Some transgender people may be particularly concerned about their previous name and gender assigned at birth being unnecessarily revealed in court. They may also be worried about receiving negative attention from the public and the press.'

Trans individuals may appear in courts and tribunals as a party or witness, where their trans identity may be wholly irrelevant to their reasons for attending a hearing. However, in certain tribunals the fact of their trans identity will be central to their reason for coming into contact with the judicial system.

The ET has jurisdiction over claims specific to a particular section of the trans community; claimants can bring complaints of discrimination in the workplace on the basis of the protected characteristic of 'gender reassignment' (section 7 Equality Act 2010 (EqA)). The limited scope of EqA protection applies only to those who 'are 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'.

In the AIT, the fact of a person's trans identity may be the reason they seek asylum. The ETBB recognises particular issues for trans individuals seeking asylum in the UK (paragraphs 40-44, chapter 12) which include the fact that providing evidence to support a claim for asylum may be particularly difficult where a person has had to conceal their gender identity for fear of harm or abuse in their country of origin.

As well as jurisdiction-specific reasons for training, it is important that judges feel confident to deal fairly and respectfully with trans people coming before them in any capacity. Often concerns arise around using the correct terminology and forms of address. The training session was commissioned in the ET to provide judges with information, raise awareness and boost confidence in terms of familiarity with, and use of, appropriate terminology.

The training session

The session was delivered by Gendered Intelligence, an organisation which specialises in such training and whose trainers are all trans individuals. The session lasted 90 minutes and consisted of a mixture of presentation and small group exercises. This approach was engaging, with the group exercises leading to an open and useful dialogue with our presenter, who was happy to answer questions throughout the session.

The presentation started with information about the wider context for trans identities, which is much broader than is covered by the EqA. There was an exploration of how sex, gender and sexual orientation interact as well as

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discussion of key terms and use of language. Additionally, the talk covered the basics of legislation with regard to the rights and responsibilities around trans identities (such as the Gender Recognition Act 2004).

The session was tailored to the ET jurisdiction and we were presented with stark statistics about the issues faced by trans people in the workplace. The presentation highlighted the [*Trans Employee Experiences Survey \(Total Jobs, 2016\)*](#) and [*LGBT in Britain - Trans Report \(Stonewall, 2017\)*](#), from which the following statistics were provided:

- 12% of trans employees have been physically attacked by colleagues or customers in the last year
- 60% had experienced transphobic discrimination in the workplace
- 53% felt the need to hide they are trans from colleagues at some point
- 36% left a job because the environment was unwelcoming; this rises to 50% of gender fluid, agender and non-binary workers

Following the session, delegates were provided with a comprehensive document signposting links to a wide range of resources and list of relevant organisations.

Feedback and anticipated impact

The feedback from delegates was extremely positive; the training was rated highly and viewed as professional and comprehensive. Judges found the session was of considerable interest and appreciated the opportunity to ask questions on a sensitive topic in a safe environment; they reported feeling more confident in their future dealings with trans people appearing in their tribunal. Judicial office holders in other jurisdictions may benefit from similar training.

Where judges utilise the information gained in training, combined with referral to the ETBB as required, this should enhance trans people's experience of procedural justice in tribunal. In my view, the training assists in furthering the overriding objective, in that it supports judges in placing parties on an equal footing, by ensuring they are afforded dignified and fair treatment.

Useful Links

[*Equal Treatment Bench Book*](#)

[*Gendered Intelligence*](#)

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