

Equality Impact Assessment: Workforce Trans Inclusion Policy

NOTE: *This equality impact assessment predates the Supreme Court ruling 'For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent)'. As an employer, we are working to understand the implications of the Supreme Court ruling on our policies and practices and will be guided by the revised statutory EHRC Code of Practice once it is published. This approach will ensure legal compliance and maintain our duty of care to all employees.*

SECTION 1

1. Policy

What is the policy and what are the main changes being made?

1.1 The Welsh Government's original Transitioning Policy was developed in 2017 to establish clear processes and practical support for trans employees throughout their transition journey at work. The policy was reviewed more recently to update the language and terminology used, as well as ensure the accompanying guidance was reflective of current best practice within trans communities.

1.2 In summary, the key changes made to the revised policy and guidance from the original 2017 version are:

- a) Updated terminology and language (which is constantly evolving)
- b) Addition of broad aims to be trans inclusive throughout the employment life cycle (the previous policy was more focussed on medical transition and taking time off)
- c) More reflective of current flexible working practices (previous policy focused on "getting ready for your first day in the office in your affirmed gender")
- d) Slight change to the entitlement to special leave
- e) There are no changes to the roles/responsibilities/processes

SECTION 2

2.1 Summary of the evidence considered in demonstrating due regard to impact assessment.

- **Who have we engaged with?**

The policy was reviewed and updated in collaboration with LGBTQ+ policy colleagues and staff networks (PRISM and Women Together). Welsh Government employment lawyers advised on the legal position within the current legislative context. Formal consultation with Trade Unions undertaken.

- **What data do we have on the subject?**

Workforce data as published in our Annual Employer Equality Report 2022/2023 ([Annual Employer Equality Report 2022-2023 \(gov.wales\)](#))

WG People Survey 2023 Results (scores on fair treatment, bullying, harassment etc)

WG People Survey 2023 Equalities analysis and KAS full breakdown of responses by equality groups (not published due to confidentiality).

Evidence and insight:

[Transforming the Workplace - A TUC guide for trade union activists on supporting trans members | TUC](#)

[Bullying, harassment and discrimination of LGBT people in the workplace | TUC](#)

[Supporting transgender and non-binary people at work: Guide for people professionals | CIPD](#)

[LGBTQ+ Action Plan for Wales | GOV.WALES](#)

2.2 Assess the impact

Age

The Welsh Government workforce ranges from 18 to 65+. The age group with the highest proportion of staff (16%) are between 40 and 44. The Trans Inclusion Policy applies equitably across all ages.

Trans employees of different ages: Different age groups may experience trans inclusion in different ways. Younger employees might be more familiar with or expect inclusive policies, while older transgender employees might face different barriers due to generational perspectives.

Cisgender employees of different ages: Age-related beliefs and experiences about gender diversity can influence workplace dynamics.

Mitigations/considerations

- Ensure that communication, engagement and training on trans issues is sensitive to potential generational differences.
- Address implicit age bias in broader diversity training so that all employees, regardless of age, feel included and valued.

Disability

6% of the Welsh Government workforce have declared an impairment. This policy must ensure that trans-inclusive measures are also accessible to disabled employees.

Disabled trans employees: This group may face compounded challenges due to both their gender identity and their impairment. The policy should ensure they are not overlooked or face barriers in accessing workplace resources, healthcare, or transitioning support.

Disabled cisgender employees: These employees may need specific reasonable adjustments to ensure they can access policies, resources and training developed to support trans colleagues.

Mitigations/considerations

- Ensure that trans inclusion training and resources is accessible to all employees

- Work with disabled trans employees to provide tailored workplace adjustments, such as accessible healthcare services and transition-related leave policies.
- Recognise that disabled transgender employees may require mental health support, particularly if they are navigating both disability and gender identity issues. Ensure Employee Assistance Programme support is trained to address these intersectional needs.

Sex

The ratio of female to male employees is 60:40. The policy must ensure that it does not negatively impact or alienate employees of any sex (male, female, intersex), while still fostering an inclusive environment for everyone.

Trans employees: Trans employees may face particular challenges navigating policies and workplace dynamics that relate to sex-based rights and protections.

Intersex employees: This group may also have specific needs, and their experience can provide insights for how sex and gender categories interact in workplace policies.

Cisgender female employees: Some cisgender female employees may raise concerns regarding the use of shared workplace facilities, such as toilets and changing rooms. These concerns often reflect broader societal conversations about how to balance inclusive practices with the protection of sex-based rights. The organisation recognises that individuals may experience discomfort or feel that certain policy decisions affect their sense of safety, privacy, or ability to express their views. We remain committed to fostering a respectful and inclusive environment where all employees feel heard and supported.

Cisgender male employees: Some cisgender male employees may experience uncertainty when using shared facilities alongside transgender colleagues. This may stem from unfamiliarity or a lack of understanding, and should be approached with sensitivity, openness, and respect for everyone involved. The organisation is committed to fostering an inclusive environment where all employees feel safe, supported, and respected.

Mitigations/considerations

- Continue to provide gender-neutral and single-occupancy, lockable facilities across the administrative estate so employees can choose the facility that best meets their needs.
- Ensure privacy and safety protocols are in place so all employees feel safe and respected at work (highlighting routes for reporting concerns of inappropriate behaviour via the Dignity at Work Policy or Grievance Policy).
- Ensure the organisation remains committed to sex-based protections and rights. For example, maternity leave, breastfeeding facilities, and women's health support should be available alongside trans inclusion policies.
- Recognise the nuanced and emotive nature of concerns over shared spaces and respond sensitively and supportively to any concerns raised by staff.

Gender Reassignment

There are [x] people in the Welsh Government Workforce who have declared they are a different sex to that assigned at birth. This remains static from 2021/2022. The Trans Inclusion

Policy should ensure that employees, whether they are in the process of transitioning or have already transitioned, are provided with the same rights and opportunities as all other employees.

The Equality Act 2010 protects trans people from discrimination under the characteristic of gender reassignment (Section 7). This means that a trans person must not be treated less favourably due to their transition.

- If a trans woman has a Gender Recognition Certificate (GRC), she is legally female and must be treated as such for all legal purposes, including access to single-sex spaces unless an exception applies.
- If a trans woman does not have a GRC, she is still protected from discrimination under gender reassignment but is not legally female. However, she may still be permitted access to women-only facilities.

Trans employees undergoing gender reassignment: Employees who are transitioning (or have transitioned) may face specific challenges in the workplace, including medical needs, documentation changes, social acceptance, and navigating gender-specific spaces.

Trans employees who have completed their gender reassignment: These employees may still face stigma or need ongoing support after their transition.

Experience of trans employees at work: Although trans employees' People Survey scores 2023 were in line with cisgender staff when it came to the Inclusion and Fair Treatment theme overall, there were some specific areas relating to this theme and organisational culture where they were less positive.

A 2023 survey by the Trades Union Congress (TUC) revealed that 17% of LGBTQ+ workers reported discrimination or harassment in the past year, with transgender and nonbinary employees facing higher rates. Specifically, 22% of trans and nonbinary individuals experienced discrimination, and 26% faced harassment.

Mitigations/considerations

- The Trans Inclusion Policy should set out guidelines for employees undergoing gender reassignment, covering areas such as medical leave, flexible work arrangements, and how to update legal documents, including names and gender markers.
- The policy must explicitly prohibit harassment and discrimination on the basis of gender reassignment and provide a clear process for reporting and addressing any incidents.
- Build awareness and understanding of gender identity and gender reassignment across the organisation, emphasising the importance of respect and inclusion in the workplace. This should include practical guidance on pronoun usage, respecting employees' privacy, and supporting transitioning colleagues.
- Ensure personal information of transgender employees, such as records of their gender reassignment or previous names (often referred to as "deadnames"), is kept confidential and not disclosed without the employee's explicit consent.
- In addition to the policy position, provide access to gender-neutral and/or single-occupancy facilities for employees who may feel uncomfortable using gender-segregated spaces. This

approach supports individual comfort and privacy while reinforcing the organisation's commitment to inclusion and respect for all employees.

Marriage and Civil Partnership

47% of the workforce have declared that they are married or in a civil partnership. **Trans employees who are married or in a civil partnership** may face unique challenges if their gender identity changes after marriage/civil partnership.

Mitigations/considerations

- Ensure that all policies related to family benefits, spousal leave, health and workplace support are inclusive of trans employees and employees in marriages or civil partnerships.
- Ensure all spousal and partnership benefits include civil partners and same sex marriages
- Ensure managers are supported to sensitively handle issues around gender identity, particularly in relation to an employee's marital or partnership status.

Pregnancy and Maternity

In 2022/23, 1% of the Welsh Government Workforce declared they were pregnant or on maternity leave. This has remained static since 2021/2022.

Traditionally, workplace policies on pregnancy and maternity are designed with cisgender women in mind. However, to ensure inclusion, these policies must also consider the experiences of trans and non-binary individuals who may become pregnant or require maternity leave.

Mitigations/considerations

- Train managers and HR teams to be aware of and sensitive to the needs of pregnant trans employees. Health and safety assessments should be inclusive of all employees, regardless of their gender identity.
- Ensure that maternity and parental leave policies are inclusive by stating that they apply to all employees, irrespective of gender identity.

Race

Workforce by Race		
	Number	%
Other Ethnicity	200	3
White	5480	90
Not Declared	160	3
Prefer Not to Say	250	4

The above data has remained static since 2021/2022. For a full breakdown of the Workforce Representation disaggregated by race please see Annex A of the [Annual Employer Equality Report 2022/2023](#)

Trans employees from ethnic minority backgrounds can face intersecting forms of discrimination, which may compound the challenges they experience in the workplace.

Mitigations/considerations

- Ensure that policies and/or guidance explicitly address the intersectionality of race and gender identity.
- Ensure that training programmes and complaints processes recognise the intersecting forms of discrimination and challenges faced by trans employees from an ethnic minority background.

Religion or belief

Workforce by Religion/Belief		
	Number	%
Christianity	2310	38
No Religion/Belief	1310	22
Other Religion/Belief	870	14
Not Declared	200	3
Prefer Not to Say	1390	23

For a full breakdown of the Workforce Representation disaggregated by religion/belief please see Annex A of the [Annual Employer Equality Report 2022/2023](#)

Some employees may hold personal beliefs (whether religious or otherwise) that do not fully align with the principles outlined in the Trans Inclusion Policy. While everyone is entitled to their views, it is essential that any expression of those beliefs in the workplace adheres to the standards of conduct set out in the Dignity at Work Policy. All employees are expected to treat one another with respect and contribute to an inclusive, professional, and supportive working environment.

Mitigations/considerations

- Establish clear behavioural expectations by implementing and consistently communicating dignity, respect, and inclusion policies that apply to all employees.
- Foster open dialogue and a supportive culture, aiming to respectfully balance the rights of trans employees with those of individuals who hold religious or philosophical beliefs, ensuring that the workplace remains inclusive and welcoming for everyone.
- Acknowledge the complexity and emotional nature of the topic and respond to any concerns raised by staff with empathy, sensitivity, and a commitment to support.

Sexual Orientation

Around 5% of the workforce declare a sexual orientation that is not heterosexual/straight.

Employees who are both trans and LGBQ+ may face unique challenges due to the intersection of their gender identity and sexual orientation.

Employees who are both trans and LGBQ+ may experience higher rates of mental health challenges due to discrimination and stigma.

Cisgender employees may mistakenly conflate gender identity with sexual orientation, leading to misunderstandings or unintended exclusion of LGBQ+ employees.

Mitigations/considerations

- Recognise and address the intersectionality between sexual orientation and gender identity in policy, practice and related training. This includes acknowledging that some employees may identify as both trans and LGBQ and ensuring that their specific needs are considered in workplace inclusion efforts.
- Ensure all employees are aware of their responsibilities in fostering an inclusive and respectful workplace.

Carers

In the 2023 People Survey, respondents were asked: “Do you look after, or give any help or support to, anyone because they have long-term physical or mental health conditions, or illnesses, or problems related to old age?” 23% of respondents answered “Yes”.

Employees who are caregivers for a trans family member (e.g., a child, partner, or relative) may require additional flexibility and support to navigate that individual through medical, legal, or social transitions.

Employees with caring responsibilities may have less flexibility in their schedules, making it harder for them to participate in diversity and inclusion initiatives, such as training sessions or events related to trans inclusion.

Caregivers of trans children or relatives may face unique challenges and discrimination both inside and outside the workplace.

Mitigations/considerations

- Ensure that training on trans inclusion is available in flexible formats, such as online modules, recorded sessions, or accessible resources, so that employees with caregiving responsibilities can engage at times that suit their schedules. Offering multiple session times for live events or workshops can also help accommodate caregivers.
- Ensure that the workplace trans inclusion policy explicitly supports not only trans employees but also caregivers of trans individuals, including the challenges of supporting a loved one through transition.

Socio-economic background

Trans employees from lower socio-economic backgrounds may face additional structural barriers, which can compound any discrimination or misunderstanding related to their gender

identity. They may experience higher levels of mental health issues, financial stress, or social exclusion.

Mitigations/considerations

- Ensure all employees are aware of their responsibilities in fostering an inclusive and respectful workplace.
- Recognise the intersecting forms of discrimination and/or barriers that may impact trans employees from lower socio-economic backgrounds in the workplace.

Welsh Language

Welsh language skills of staff able to use each skill in most or all work situations

	Number of staff	%
Reading	1490	24
Speaking	1350	22
Understanding	1460	24
Writing	1180	19

Trans employees who speak first language Welsh may wish to access policy information and support services in Welsh.

Welsh-speaking employees may want to ensure they are using the correct trans and LGBTQ+ terminology in Welsh.

Mitigations/considerations

- Ensure policy documentation and resources comply with the Welsh Language Standards
- Ensure Welsh terminology mirrors the language used in the external LGBTQ+ Action Plan for Wales (which was co-developed with trans communities)

2.3 Summary of the Analysis

This assessment underscores the importance of workplace trans inclusion policies, particularly in light of ongoing evidence showing that trans individuals continue to face disproportionately high rates of harassment and discrimination across various settings.

While public debate continues around self-identification and the definitions of sex and gender, these broader societal discussions fall outside the scope of this workplace policy. Our approach is guided by established best practice in supporting trans employees and is aligned with current legal frameworks. We will continue to monitor developments in the interpretation of relevant legislation, including the Equality Act, and will review and update our policies as needed to ensure ongoing compliance and alignment with best practice.

We recognise that effective communication and education are essential in creating a workplace where all employees feel safe, respected, and valued. By implementing clear policies, offering

access to private facilities, and fostering a culture of dignity and respect, the organisation aims to address concerns constructively while upholding the rights of trans individuals.

SECTION 3

3.1 Decision Making

The recommendation is to proceed with the policy as drafted, taking into account the various considerations and mitigations discussed above.

3.2 Monitoring arrangements

The Welsh Government will be responsible for monitoring and evaluating the impact of the policy on their employees in accordance with the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.