



He Kaupare. He Manaaki.  
He Whakaora.  
prevention. care. recovery.

# Transitioning Gender at Work

A guide for kaimahi and their leaders

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## Purpose

At ACC we are committed to employee wellbeing and belonging, and as such, supporting our kaimahi to live their healthiest and happiest lives.

These guidelines have been developed taking into consideration relevant legislation and in support of internal ACC policy including but not limited to the following:

1. Respectful and Inclusive Workplace Policy
2. Equal Employment and Opportunity Policy
3. Workplace Health and Safety Policy
4. Code of Conduct
5. Personal Information and Privacy Policy

For assistance on any of the content raised in these guidelines or to discuss a takatāpui/ transgender-related issue, please speak to your manager, the Health, Safety and Wellbeing team in People and Culture or HR Help.

The purpose of these guidelines is to provide guidance for those involved when a person transitions whilst employed with ACC.

ACC is committed to working with transitioning employees, their People Manager, teams and clients to ensure everyone is supported throughout the process from start to end. Every person's transition will be unique to that individual based on their personal, social and health needs. For this reason, it is impractical to list a step-by-step process; rather, these guidelines provide information, tools and resources to support all involved and provide guidance on matters for consideration. There will inevitably be circumstances that are not covered by these guidelines and will need to be thoughtfully and kindly managed on a case-by-case basis in consultation with the transitioning employee.

## Scope

These guidelines apply to all employees and ACC workplaces.

## Privacy

Takatāpui, transgender and gender diverse employees have the right to decide when, with whom, and how much to share their private information. They are encouraged to engage with their colleagues to help facilitate a smooth transitioning process.

People Managers and colleagues should, to the extent practicable, not disclose information that may reveal an employee's gender or gender non-conforming presentation to others without the consent of the employee.

## The Public Service Act 2020 and our Legal Obligations

The [Public Service Act 2020](#) (the Act) establishes the responsibility for Chief Executives to promote diversity and inclusiveness. Section 75 of the Act, states that Chief Executives “must be guided by the principle that the group comprising all public service employees should reflect the makeup of society; and in employment policies and practices, foster a workplace that is inclusive of all groups.” Providing adequate support and safety for transitioning staff is paramount to uphold the Act.

Under the **Act**, the Public Service Commissioner is responsible for [promoting, developing, and monitoring Equal Employment Opportunities programmes/policies for the public service](#). The aim is the identification and elimination of all aspects of policies, procedures, or institutional barriers that cause or perpetuate inequality in employment. [Public Service Chief Executives must operate an employment policy that complies with the principles of being a good employer](#).

The Public Service Act provides, together with other pieces of legislation, a strong foundation for these guidelines. This additional legislation includes:

- The **Human Rights Act 1993** states that discrimination in employment matters is unlawful. Section 21 of The Human Rights Act also sets out the prohibited grounds of discrimination. Everyone should be aware of the prohibition on discrimination set out in the Human Rights Act and conduct themselves accordingly.
- The **Employment Relations Act 2000** has several relevant provisions including flexible working (the employee’s rights and the duties of the employer); entitlement to leave and support when experiencing family violence; breastfeeding requirements; the issue of discrimination in an employee’s employment and the prohibited grounds of discrimination.
- The **Parental Leave and Employment Protection Act 1987** sets out the rights and protections applying to employees on the birth of a child or on the adoption of a child. (Refer to the leave policy which includes full details of your entitlements and Land Information New Zealand (LINZ)’s obligations under the Parental Leave and Employment Protection Act 1987).

## Planning for Transition

### Introduction

Transitioning experts recommend developing a transitioning plan to facilitate a smooth transition process and to reduce uncertainties. A transitioning plan will provide everyone involved with a common road map from which to work and minimise miscommunication and misunderstandings about the process and the goal outcomes. The guidelines below may be useful in creating a plan:

### Guidelines for transitioning individuals

It is recommended that transitioning employees create a support team, involving their People Manager and/or other supportive colleagues to work together to develop a transitioning plan that is appropriate for the employee and the organisation.

Below is a suggested list of things to consider and discuss with the support team, and the transitioning individual. These guidelines are based on an example transition timeline for an individual who has not begun to transition at work yet, and who is comfortable with an extended transition timeline. The speed and support for transitioning employees will vary on an individual-to-individual basis, as will the relevance of the below points. The transitioning employee may not want or need support with some of the below

points, so it is important to have a conversation first to establish what the needs of the individual are before working through the below.

### **Develop a list of people involved**

1. Who are the people within ACC who you may need to engage at some point during the transition?
2. Who are the ACC clients who may need to be engaged at some point during the transition?
3. When do these people need to be engaged?
4. Are there any specific issues that need to be addressed, and when do they need to be addressed?

### **Create a timeline**

1. This timeline must be flexible and subject to change by the employee transitioning. Transitioning can be a complicated process with many components so it will not always be possible to adhere to pre-determined times and dates.
2. Block out dates such as legal name change, transition milestones and other events
3. Review the stakeholder list and develop the program to allow time for education

### **Things to consider**

1. How would you like your team to find out about your transition? (e.g., a letter, face to face meeting, individual discussions, your People Manager explaining on your behalf)
2. If you are considering a name change, how will you communicate this, what name and pronoun will you use and when?
3. Will you need workspace changes to be made during the transition, and if so, what changes will be required?
4. How long do certain internal functions take? (e.g., changes to email address names, ACC directories, access cards, system accesses etc.)
5. How and when should other people be informed? (e.g., clients, other teams, etc.)
6. Will any professional licenses or credentials need to be updated, if so, when?

### **Roadblocks: brainstorm potential roadblocks and adjust your plans accordingly, such as:**

1. When updating internal employment records, list activities a new employee must do during the first week of employment with ACC such as getting a security badge photo, payroll and Kiwisaver paperwork, etc., and consider how long these activities normally take.
2. Search for your current name on ACC's external website, and Te Pātaka and other electronic media to see how many times it appears. How many of these pages will need to be altered or removed, and who will need to be contacted to update them?



## Guidelines for the Support Team

### Provide assurance

1. Affirm your support of the transitioning employee.
2. Clarify that the employee is covered by the existing policies outlined in the “Rights and Responsibilities” section of this document.
3. Make it clear that your conversation will be held in confidence to the extent possible and make note of those things about which you may need to seek outside guidance.

### Solicit input

1. Ask the employee for suggestions on what you can do to help and discuss how you can assist them during their transition.
2. Ask if they wish to inform their People Manager, co-workers and clients themselves, or prefer that this be done on their behalf.
3. Ask if they have a new name and/or pronoun, and when they would like you to begin using them.
4. The employee may feel more comfortable working in a different environment during their transition. Ask if they have any preferences.
5. If they are married or partnered, ask how you should refer to that person throughout and after the transition, e.g., partner, wife, husband, etc.

### Develop a project plan and discuss the expected timeline using below as a guide:

1. When the employee will begin their transition at work, and what this means to them. This may involve various aspects of social and physical transition.
2. When to inform various stakeholders, including clients.
3. Anticipated time required away from work for medical treatment, if known. Explain our leave policies and how they might apply to the situation.

### Providing additional guidance

A lack of knowledge about takatāpui, transgender and gender diverse issues has the potential for creating misunderstanding and tension in the workplace. Whilst ACC expects everyone to conduct themselves in accordance with ACC’s policies and behaviors, it is helpful to provide a forum for employees to ask questions and learn about transitioning in the workplace.

One way of doing this is for a People Manager in consultation with Health, Safety and Wellbeing, with consent from the transitioning employee, to arrange a team meeting to announce the transition and arrange a briefing session on takatāpui/ transgender issues for ACC employees who will be involved. This helps promote a positive work environment for all employees. Briefing sessions are more effective when they are completed prior to the employee’s transition. Establishing some level of comfort in the team as to what the transition is and why it is happening is important in minimising the risk of misunderstandings. Some transitioning employees have chosen to announce and to celebrate their transition at work by

hosting a morning tea for their team, and one particularly creative employee made a themed board game they played with their team.

### **Leave when transitioning**

ACC offers employees a variety of paid and unpaid leave options. ACC employees intending to transition may wish to access their leave including sick leave, annual leave or long service leave.

Please refer to ACC's leave policy for more information.

Flexible working arrangements may be provided to meet the needs of the transitioning employees, at ACC's discretion.

### **Surgeries**

The process of transitioning may include one or more surgeries. ACC recognises that a transitioning employee may or may not have these surgeries for any number of personal reasons and, furthermore, that surgery in and of itself is not the goal of a gender transition.

The manager and employee should discuss and plan for the leave that might be necessary for surgery and the subsequent recovery period.

As with other aspects of a transition, plans should be discussed and communicated only with affected parties to manage expectations and to minimise disruption to the organisation. Medical information, including surgery plans communicated by an employee, should be treated confidentially.

## **Rights and Responsibilities**

### **Māori transgender rights**

Māori who are transgender and identify as male, female or across the spectrum of genders have guaranteed rights that are supported and protected by Te Tiriti o Waitangi and the Public Service Act 2020.

### **Informing Colleagues**

Transitioning employees are encouraged to participate in the education of their colleagues at whatever level they are comfortable, and to seek advice from HR Help if they'd like support or assistance with this.

### **Confidential Counselling: Employee Assistance Program**

ACC expects our people to support an employee's choice to transition. ACC's Employee Assistance Program is available for employees who would like advice and guidance in relation to transitioning themselves, or to support someone who is transitioning.

ACC engages an external provider for the provision of confidential counselling for all employees. The Employee Assistance Program provides short term counselling and support on a range of personal issues. To contact ACC's Employee Assistance Program providers, visit the People and Culture page. All interaction with this service is voluntary and confidential.



## **Employment records**

A transitioning employee may request ACC to update their employment record and photographs on display around the workplace (including their security access card) to reflect their gender.

At ACC you may change your pronouns and your first or preferred name. However, if you wish to change your last name this must be supported by documentation which may include:

- Current NZ Drivers licence (showing the new name)
- Current passport (showing the new name)
- Marriage or civil union certificate (if you are changing name because you got married)
- Dissolution of marriage or civil union order or certificate of annulment (if you are reverting back to your birth name)
- Deed poll certificate, change of name certificate, or birth certificate showing the new name and all previous names
- Statutory declaration confirming your name change has been registered with Births, Deaths & Marriages

Name, gender and pronouns can all be updated in Te Kahu by employees themselves in the 'Me' tile. Pronoun changes are automatically approved. Name changes in Te Kahu come through to the Te Kahu HR team for approval and are dealt with within 24 hours. Currently the name changes do not flow through to other systems outside of Te Kahu. Noting Te Kahu includes Payroll and HRIS so your name change will flow through to those applications.

In addition, employees may need to inform their Kiwisaver and/or insurance provider(s) of their name change and gender change, as well as IRD.

## **Names/Pronouns**

All employees should be addressed by a chosen name and chosen pronoun (he/him, she/her, they/them, etc.) that corresponds with the employee's gender identity, upon request. A court-ordered name or gender change is not required other than for a change to a person's last name.

The intentional and persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to their gender identity) may constitute discrimination, bullying or harassment as described in ACC's policies. If you are a colleague of someone who is transitioning and you are unsure what name or pronoun(s) they would like to go by, politely ask them for guidance.

## **Change room and bathroom accessibility**

ACC employees have access to the change room and toilet facilities corresponding to their gender.

## **Discrimination and Harassment**

It is both unlawful and non-compliant with ACC policy and behaviors to treat any person less or more favorably (including, but not limited to, recruitment, promotion, or termination of employment) because of their actual or perceived gender identity.

ACC is committed to creating a safe work environment for all our people, including employees who are takatāpui/ transgender and gender diverse and gender non-conforming. Any incident of discrimination, harassment or bullying based on gender identity or expression will be dealt with in accordance with ACC's relevant policies. Action taken by ACC may include, but is not limited to, investigating the incident, taking reasonable corrective action, and providing employees with appropriate counselling and resources.

Breaches, such as discrimination, bullying and harassment, may be regarded as serious misconduct and may result in disciplinary action, up to and including dismissal. Employees who have encountered or witnessed discrimination, bullying or harassment, should raise this with their manager, or with People and Culture.

## Additional Resources

**Rainbow Youth:** We provide support, information, resources & advocacy for Aotearoa's queer, gender diverse, takatāpui and intersex youth.

ry.org.nz

**Outline NZ:** Confidential, free, all-ages support line, rainbow specialist counselling and trans peer support: 0800 OUTLINE (6885463)

outline.org.nz <https://outline.org.nz/>

**United Nations Human Rights:** UN Human Rights carries out monitoring, advocacy, technical cooperation and public information campaigns towards ending violence and discrimination against LGBTI people.

ohchr.org/en/topic/lgbti-people?gclid=EAIaIQobChMIwvT73rKE-QIVwQ0rCh1swAWIEAAYASAAEgJS0fD\_BwE

### Diversity Works NZ

Diversity works is a government funded organisation tasked with increasing diversity in the workplaces and supporting organisations to achieve this.

diversityworks.nz

### Gender Minorities Aotearoa

Gender Minorities Aotearoa is a nationwide transgender organisation. It is run by and for transgender people; including binary and non-binary, intersex, and irawhiti takatāpui. We support transgender people of all ages, cultures, and backgrounds, and provide one-to-one peer support and information nationwide.

genderminorities.com

### The Gender Centre

The Gender Centre develops and provides services and activities to enhance the ability of transgender and gender diverse people to make informed choices. Its website contains articles and other educational material for the public about the needs of transgender and gender diverse people.

gendercentre.org.au

### Human Rights Commission

The Human Rights Commission publishes yearly reviews as well as regular articles about social research regarding LGBTQI individuals, as well as publishing corporate equality indexes every year. The website provides workplace specific educational material, as well as contemporary guides to discussing and understanding equality.

hrc.org/explore/topic/workplace

## Definitions

The definitions section below will assist in understanding terms used throughout this document, particularly in relation to trans and gender diverse, gender identity and transitioning.

**Sex:** for the purposes of these guidelines, sex refers to the sex a person was assigned at birth.

**Gender:** one's internal sense of being male or female, neither of these, both, etc.

**Sexual Orientation:** sexual orientation describes a person's romantic and/or sexual attraction to others.

**LGBTQIA+:** is an inclusive umbrella abbreviation to encompass a range of diverse sexualities, genders and sexes including lesbian, gay, bisexual, trans, queer, intersex, asexual, gender diverse and questioning.

**Takatāpui:** is a Te Reo Māori term, which is used similarly to "rainbow person" or "rainbow community", in a similar way to LGBTQIA+. When speaking te reo Māori, the word for LGBTQIA+ people is *Takatāpui*, so one would use this word to refer to both Māori and non-Māori. However, usually only Māori people would call themselves *Takatāpui* when speaking English.

**Fakaleitī (or leiti or fakafefine or lady):** is a Tongan individual assigned male at birth who has a feminine gender expression. The term fakaleitī is made up of the prefix faka- (in the manner of) and the borrowing lady from English. Fakaleitīs themselves prefer to call themselves leiti or ladies.

**Fa'afafine and fa'afatama:** In Samoa, there are four recognised cultural genders: women, men, fa'afafine, and fa'afatama. Fa'afafine and fa'afatama are fluid gender roles that move between masculine and feminine worlds. Other terms include Fakafifine (Niue), Akava'ine (Cook Islands), Mahu (Tahiti and Hawaii), Vakasalewalewa (Fiji), Palopa (Papua New Guinea).

**Transgender / Trans / Gender Diverse:** these are umbrella terms that describe people who identify their gender as different to what was assigned to them at birth. Some trans people position "being trans" as a history or experience, rather than an identity, and consider their gender identity as simply being woman, man or non-binary.

**Gender non-conforming:** gender variance, or gender non-conformity, is an expression or identity of gender that does not align solely with one of either the male or female gender. People who exhibit gender variance may prefer to be referred to as gender variant, gender non-conforming, gender diverse or gender non-binary.

**Intersex:** a term for people born with atypical physical sex characteristics. There are many different intersex traits or variations including genetic, hormonal or physical characteristics which are not exclusively 'male' or 'female'. Intersex people may identify as either men, women or non-binary.

**Gender transition:** the process of changing from one gender to another. Transition may involve social, medical/surgical and/or legal steps.

**Social transition:** coming out, changing pronouns, changing name, changing outward appearance such as clothing.

**Medical transition:** hormone replacement therapy, gender affirmation surgery or other medical procedures.

Legal transition: changing name and gender on systems and documents