

ATO workplace gender affirmation guide

What you need to know

- The ATO is committed to ensuring all employees are treated with respect, dignity, and have access to a safe and inclusive work environment
- The ATO supports employees of who are affirming their gender, and also their managers and colleagues
- This guide and other work will continue to be informed by the best practices of peak bodies such as TransHub and (ACON) Pride in Diversity, feedback from staff, guidance from the Australian Public Service Commission, and legislative requirements. This guide will continue to be updated as required.

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Purpose

This guide is to support any employee who:

- is at any stage of gender affirmation, i.e. considering, in the process of or have affirmed their gender in the workplace
- has managerial responsibilities of an employee who is affirming their gender
- is a colleague or ally wanting to support an employee affirming their gender.

This guide is a resource to support a person-centred approach to gender affirmation. As each individual's journey to affirming their gender is different, it is important the individual is empowered to lead their own journey, including how, when and with whom they wish to share any personal information.

	<p>The guide was previously titled the ATO Gender Transition Guide. While 'transition' remains a commonly used term and was used in the former ATO guide, the ATO recognises the term can be complex. The process of a trans or gender diverse individual changing their gender presentation in society is known as 'transitioning' or 'affirming gender'. Gender affirmation may involve social, medical, and/or legal steps that affirm a person's gender. The ATO recognises that 'gender transition' remains the language chosen to be used by some; however, 'gender affirmation' is used for the purposes of this guide.</p>
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About gender affirmation

Gender affirmation refers to the process of a trans or gender diverse individual changing their gender presentation in society. Having the correct gender identity recognised in the workplace is integral for people affirming their gender.

Gender affirmation may involve a 'social transition' including changing outward appearance, clothing, mannerisms, and name. It may also involve a 'medical transition', to align an individual's body with their gender identity. A 'legal transition' may also be involved with a change of name/gender on official documents. Gender affirmation is a personal choice, and the ATO supports individuals in their gender affirmation decisions and processes.

The ATO acknowledges that an individual does not need to affirm their gender to identify as transgender (refer to terminology section to know more). However, when an individual chooses to socially transition, it is critical to recognise their gender identity in the workplace, supporting the individual's wellbeing and sense of belonging.

Terminology and language

Individuals in trans and gender diverse communities may describe themselves using a wide variety of terms. It is respectful to use the terminology the individual uses or mirror their language. If someone is unsure, they should politely ask the person.

The ATO acknowledges that language is dynamic and evolving, and it can be difficult to always create a full picture of all definitions. Definitions have been adopted from [ACON Pride in Diversity](#). While not all definitions are included in this guide, employees are encouraged to research the terminology used in trans and gender diverse communities.

Deadname: A term used by some trans people to describe the name they were given and known by prior to affirming their gender and/or coming out.

Misgendering: Referring to someone by words or language that is not affirming for them, such as using a former name or pronoun, or making assumptions about their appearance.

Pronouns: Used when referring to a person when not using their name. These might be he/him, she/her, they/them, or other pronouns. Some people use one set of pronouns (eg. Pablo uses he/him pronouns) and some people use more than one (eg. Samira uses she/her and they/them interchangeably). Some people change the pronouns they use at different points in their life. Making sure we use their new ones is an important part of respecting them.

Trans and gender diverse: These are inclusive umbrella terms that describe people whose gender is different to what was presumed for them at birth.

Trans people may position 'being trans' as a history or experience, rather than an identity, and consider their gender identity as simply being female, male or a non-binary identity. Some trans people connect strongly with their trans experience, whereas others do not. Processes of gender affirmation may or may not be part of a trans or gender diverse person's life.

Employment policies, guidelines and processes

Leave

Employees may request leave as part of their gender affirmation, and this can be supported through a range of leave options.

For situations that are not covered by personal leave provisions and following discussion with their manager, employees may be granted paid [miscellaneous leave](#) in their gender affirmation plan. This time may be scheduled when creating the plan, noting not all leave will be known up front when writing the plan and employees and managers may need to be flexible.

While casual employees are not covered for leave under the ATO Enterprise Agreement, they may be approved to be absent or unavailable for shifts, as necessary. For further information, refer to the [Miscellaneous leave guidelines](#).

For more specific questions on leave provisions contact [People Helpline](#).

Flexible Working Arrangements

The ATO recognises working flexibly is important and beneficial for organisational culture, teams, and individuals. Increased flexible working options may be considered over the period of an employee's workplace affirmation in line with business requirements. This arrangement will need to be negotiated between the employee and manager. For more information, refer to the [flexible work arrangements](#).

Harmful and disrespectful behaviour

The ATO is committed to providing a workplace that recognises and appreciates diversity and inclusion, and is free from bullying, harassment, and discrimination where everyone is treated with respect and courtesy.

If employees experience bullying or harassment, they are encouraged to seek support from their managers. Alternatively, they can contact [Speak Up, People Helpline](#), or the onsite [People Support Team](#) for available options, support, and reporting such behaviour.

In situations where expected behavioural standards are not being demonstrated by employees towards an employee affirming their gender, managers may address the issue in consultation with People Support Team or their HR Business Partner. If appropriate, there are additional reporting mechanisms outlined on [myATO](#).

Bathrooms and facilities

Employees who have affirmed their gender identity are entitled to use the bathroom and change facilities of their affirmed gender if they feel comfortable doing so.

In no circumstance should the employee who has affirmed their gender be asked to use facilities that are not aligned to their gender expression or are non-gendered. Employees may choose to use a non-gendered bathroom if they wish.

Restricting any person from accessing facilities that align with their affirmed gender may be unlawful. This includes people who have not taken or not yet completed steps towards legal recognition of their gender or engaged in medical intervention.

Information for employees affirming their gender

Everyone's gender affirmation journey is different. You have the right to be yourself and to feel welcomed and supported in the workplace. If you decide to affirm your gender, are in the process of affirming your gender or have affirmed in the workplace, the ATO is committed to supporting you through that process in a sensitive and supported manner. We recognise that the specific steps and timing of a person's gender affirmation journey will vary, and everyone has the right to choose the information they wish to disclose about their affirmation and identity.

Manager Support

Employees who are undergoing or wish to begin the process of affirming their gender in the workplace are encouraged to speak with their manager, if they are comfortable doing so.

Other options for first contact support include the [Inclusion and Diversity](#) team or the [ATOMIC](#) network.

Your manager may be your primary contact through your affirmation process. However, in some circumstances, you may feel more comfortable to seek someone else at the ATO to support you. You should guide the conversation with your manager about how you want to affirm your gender at work and how they can best support you.

Resources have been developed to support you in gender affirmation conversations. The [resources section](#) includes email templates which may assist in initiating the conversation with your manager and provide information to your colleagues about how they can support you.

When first meeting with your manager you may consider bringing a support person. This could be a friend, colleague, a staff member from Inclusion and

Diversity or network member from ATOMIC to provide support with your conversations.

How much information you share with your manager and colleagues is up to you and if you are comfortable, you may choose to provide your manager the opportunity to ask questions about the process and how they can best support you.

A good place to start could be sharing this guide with your manager, while you could also encourage them to speak to the Inclusion and Diversity team.

Updating Personnel Records

It is the responsibility of the employee to maintain and update their personnel records at the ATO. When making changes to personnel records, please note this may take some time to take effect. It is recommended you access your personnel records and include these steps in your gender affirmation plan.

If you experience any challenges in this process, please contact [Inclusion and Diversity](#) via the mailbox.

Records of your previous name may be kept where required by law or ATO record keeping policies, however we endeavour to ensure they do not appear on any systems available to ATO employees.

The gender affirmation plan template outlines suggested ATO systems that may require change; however, this is not exhaustive.

Information for managers

It is important that employees who disclose their intention to affirm or are in the process of affirming their gender are supported without judgement or harassment.

Reassure your employee that you will support them through the workplace process as a manager. You will also be supported.

Each person and each affirmation process is different. As a manager it is important that you demonstrate a willingness to listen and be open to understanding how best to support your staff. You are not expected to be an expert on transgender issues, and it is ok to let your employee know that you may

need to seek support from the [Inclusion and Diversity Team](#). You can also refer to the external resource list to learn more.

As a manager you have a responsibility to be familiar with this guide, your legal responsibilities and the areas within the gender affirmation plan which may need your action or support.

Whilst this guide is designed to support employees affirming their gender in the workplace, some employees may be supporting a family member affirming their gender. Managers may want to access the [resources](#) below to be aware of the conversations that may arise and note that an employee may need to access leave to support their family member.

Seeking support

As a manager, you can seek advice on leave and other employment conditions from [People Helpline](#). For other support and information on supporting staff, you can contact the [Inclusion and Diversity](#) team.

The [Employee Assistance Program](#) is available 24/7 for independent and confidential professional counselling for all ATO employees.

Updating Personnel Records

As a manager you may be asked about the process to update personnel records (including ATO IT systems). It is the responsibility of the employee to maintain and update their ATO personnel record. When making changes to personnel records please note this may take some time to affect. Managers should be aware of any impacts of delays on gender affirmation, communication and planning and supporting the employee through this process where possible. Employees in scheduled environments may need to be given additional administration time ensure the changes have occurred.

Communicating gender affirmation

The ATO is committed to being a safe, inclusive and welcoming place for all employees. It is important that the workplace is safe for an employee affirming their gender. Managers have a responsibility to ensure team members understand any changes, sensitivities and know how to respond appropriately.

It is recommended the manager and the employee discuss the preferred method of communicating their gender affirmation. This may be initiated by the affirming employee, or their manager, and may include emails to the team outlining the employee's affirmation, giving advice on language and appropriate behaviour,

and reminding them of the APS Values, Employment Principles and Code of Conduct. If the employee affirming their gender would like to send the email to relevant stakeholders, it is important you follow up reinforcing their message with one of support, including a reminder of non-tolerance for bullying and harassment.

The employee's affirmation, and relevant expectations, may also be communicated in face to face or remote meetings, individually by the employee, or by another agreed method.

Training

In addition to the self-paced [Diversity and Inclusion](#) and [LGBTI+](#) e-learning modules, it is recommended you read the external resources below to help inform conversations with your employee to support their affirmation.

See also

-  [Gender Affirmation Plan](#)
-  [Email communications for staff affirming their gender](#)
-  [ATOMIC](#)
-  [Inclusion and diversity CEI](#)
-  [APS Values and code of conduct](#)
-  [Changing your legal name or gender](#)

Contacts

 [Contact Inclusion and Diversity](#)

 [Inclusion and Diversity](#)

 [About People Helpline](#)

 [Contact People Helpline](#)

 [13 15 50](#)

Information for employees in the ATO who want to know more

Providing support

Colleagues can be a major source of support for employees affirming their gender. Some people affirming their gender may want someone in the workplace to confide in and share their journey. It is important if your colleague contacts you for this support, that you take the time to have a conversation, be a sounding board and check-in regularly. You can also offer to attend meetings as a support person as required.

If you need more information to increase your understanding, it is ok to ask for advice and take time to become more informed.

If you are the person's first point of contact, it is a good idea to refer them to this guide and suggest they develop a gender affirmation plan if they have not already. You can offer to be involved in their planning as far as you both feel comfortable.

Providing support and being an ally is not about being an expert. It is about being an ally by caring, offering support and guidance, using inclusive language, and taking a stand against non-inclusive and disrespectful behaviours in the workplace.

Seeking support

If you are in the immediate team or work closely with an individual affirming their gender, it is recommended that your manager organise an awareness session to provide you the opportunity to learn more and ask questions to better

understand gender affirmation or ask you to complete the [self-paced LGBTI+ e-learning module](#).

You may also contact the [Employee Assistance Program](#) for confidential support. TELUS Health has over 248 clinicians who are trained to provide LGBTI + support.

The [ATOMIC](#) Network and [Inclusion and Diversity](#) are also available to provide support at your site to help connect you with other allies.

More information

The external resources section outlines helpful resources for those who want to learn more. We also encourage employees who have not yet completed their [LGBTI+ e-learning module](#) to do so.

Resources

Gender Affirmation Plan

Individuals are encouraged to jointly develop plans with their manager to achieve a successful affirmation experience at work. The experiences and circumstances of each employee will differ. If employees are comfortable, it is best to develop this plan in collaboration with their manager. Other stakeholders the employee may consult when developing the plan are the Inclusion and Diversity team and the ATOMIC Network. This combined approach ensures employees to have people to advocate when required, noting that the plan is led by the individual. The networks and support section outlines available supports for employees in conjunction with whom employees can create their plan.

An example [gender affirmation plan](#) template is available to assist employees and managers, noting this is not an exhaustive list of considerations and the plan should be tailored to individual circumstances.

While a formal gender affirmation plan may assist in setting expectations, it is not a requirement. Amendments to employment records can be made by following the relevant self-service options in [People Connect](#).

For specific questions on leave provisions and other employment conditions contact [People Helpline](#). For further information and support, contact the [ATOMIC](#) Network or [Inclusion and Diversity](#).

Example email communications

This [template](#) outlines 3 emails that can be sent to stakeholders.

1. Employee affirming their gender to send to their manager to begin conversations about affirming their gender in the workplace
2. Communications from the employee affirming their gender to the team
3. Communications from the manager to the team

Networks and support

The ATO has support available through the internal ATOMIC network, Employee Assistance Program (EAP), Inclusion and Diversity Team, and Harassment Contact Officers (HCOs).

[ATOMIC](#) is an employee network that supports LGBTI+ inclusion at the ATO. The network promotes a culture that is respectful, supportive, and equitable. ATOMIC also runs a forum called [Kaleidoscope](#), which is open to intersex, transgender, non-binary, and gender diverse staff.

EAP is a free, independent, and confidential 24/7 service that provides professional counselling for all ongoing and non-ongoing ATO employees, their partners, and immediate families. More information about how to contact EAP is available through the [Employee Assistance Program](#).

The Inclusion and Diversity team within ATO People can offer support and connection to all areas of the ATO. The team are here to advocate for employees in their affirmation journey. Employees can reach out to one of the team members who have been trained in best practice via the [mailbox](#). All emails are confidential.

HCOs are trained employees who can provide support and information in line with ATO Workplace Bullying, Harassment Chief Executive Instruction (CEI). Approaches to HCOs are confidential and employees have the choice to raise issues anonymously. More information about how to contact HCOs is available through the [Contact a harassment contact officer](#) page on myATO.

External support and resources

- [QLife](#) - Telephone counselling, information & referral line available 5.30pm to 10.30pm, 7 days a week. Free Call 1800 184 527 or online chat.
- [Minus18](#) – Australia's largest youth led organisation for gay, lesbian, bisexual and trans youth, providing training, resources, and events. Email info@minus18.org.au.
- [TransHub](#) – ACON's trans and gender diverse information and resource platform, provides a vast range of free resources on social, medical, and

legal affirmation, as well as health and support resources for people of diverse genders, sexes and sexualities, allies, and clinicians.

- [ACON Pride in Diversity](#) – Pride in Diversity is a national not-for-profit employer support program for all aspects of LGBTIQ+ workplace inclusion. All ATO staff can access Pride in Diversity's member-only publications, e-learning, and events. Pride in Diversity host monthly LGBTI+ Awareness sessions. Contact [Inclusion and Diversity](#) for member information.
- [Diversity Council Australia \(DCA\)](#) – peak body, leading diversity and inclusion in the workplace providing research, inspiring events and programs, curated resources, and expert advice across all diversity dimensions.

Each state and territory have a representative body for awareness and resources. For more information on your local state or territory body, contact [ATOMIC Network](#).

Other information

Tips for being an active ally

- Encourage others to use the employee's preferred name and pronouns
- Be conscious of your own language and educate others
- If you are unsure, ask (respectfully, ensuring questions are relevant)
- Listen with an open mind
- Celebrate LGBTI+ staff achievements and build them up as leaders
- Educate yourself and others, and stay informed
- Be careful about confidentiality, information sharing and 'outing'
- For more information refer to the [ATOMIC page](#) on myATO.