



CROSS AGENCY
RAINBOW
N·E·T·W·O·R·K

Transitioning and Gender Affirmation in the New Zealand Public Service

Te Tauwhiro Ira Tangata i roto i te Ratonga Tūmatanui o Aotearoa

Advice to support leaders, teams and individuals affirming their gender at work

**He tohutohu hei tautoko i ngā kaiārahi, rōpū, tangata takitahi hoki e whakamana
ira ana i roto i te wāhi mahi**

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CARN Logo - Kapokapowai Dragonfly Design

From the depths of the muddy river banks the kapokapowai nymph grows and waits to transform. And when it's ready it will emerge as a strong, beautiful, and capable creature ready to live its true form — this is our purpose to empower, embolden and support our rainbow people to be their authentic selves in the public sector of Aotearoa.

The CARN logo was designed by Stefanie McKnight in consultation with members of the CARN committee.

Foreword



 A handwritten signature in black ink that reads "Carolyn Tremain".

Carolyn Tremain (she/her)

Sponsor, Cross Agency Rainbow Network
 Chief Executive, Ministry of Business, Innovation and Employment

“Creating safe and inclusive work cultures and environments not only aligns with the values of the Public Service, but it is the responsibility of each organisation and team member”

Tēnā koutou katoa, Mālo ni, Fakaalofa lahi atu, Kia orāna, Tālofa lava, Mālō e lelei, Talofa, Noa'ia, Ni sa bula vinaka, Mauri.

We all deserve to have a productive, well-functioning, supportive team in our workplaces. Everyone needs to feel valued, safe and be afforded the same opportunities as their colleagues, regardless of their identity, background, or other factors.

A transgender or non-binary colleague is no different. They want to bring their best and whole self to work and contribute to their team and organisation. Creating safe and inclusive work cultures and environments not only aligns with the values of the Public Service, but it is the responsibility of each organisation and team member. But sometimes, we need help to navigate unfamiliar territory.

With the support of Te Kawa Mataaho Public Service Commission, members of the Cross-Agency Rainbow Network (CARN) have drawn on their knowledge and experience to create a guide that can be used by any organisation in the Aotearoa Public Service and beyond.

The guide is based on existing policies and gender transitioning guidelines from across the Public Service and, from academic and commercial sectors within Aotearoa and overseas.

This guide is intended to support agencies in their development of policies and assist staff in conversations with their employers. It is intended as a support resource for organisations in the public sector and their employees, bringing together employer best practice and other considerations based on employee experience. This is not formal guidance issued by Te Kawa Mataaho under the Public Service Act 2020. The guide covers:

- Gender affirmation and what this means for the person involved and their leaders and team,
- The transitioning process and what this means for the person transitioning and their people leader and team,
- Roles and challenges for human resources teams and people leaders,
- Practical operational and system guidance.

I hope that you find it useful and that together, we can all help to support equitable and thriving workplace environments that embrace our differences and share what we have in common.

Thank you to the Cross-Agency Rainbow Network and its volunteers for the creation of this resource.

1 Kōrero whakamārama Background

As diverse SOGIESC public servants we are passionate about creating more inclusive and supportive workplaces that positively impact individuals, their whānau, our communities and those we serve.

In early 2022, a working group of volunteers from the employee-led Cross Agency Rainbow Network (CARN) formed to create a guide to support:

- People in the Public Service who are (or are considering) transitioning (affirming their gender),
- The leaders and teams who will be with them on the journey.

This guide is intended to bring together best practice and to be used as needed to support our Public Service workforce, based on the passion, lived experience and subject matter expertise brought to this mahi by CARN members. As diverse SOGIESC¹ public servants we are passionate about creating more inclusive and supportive workplaces that positively impact individuals, their whānau, our communities and those we serve. This guide is not formal guidance issued by Te Kawa Mataaho.

CARN working group members come from across the Public Service and work in all areas including:

- Policy,
- Human Resources,
- Te Tiriti o Waitangi,
- Leadership,
- People and Capability,
- Operations and Service Delivery.

The following CARN members contributed to the development of this guide. We are grateful to their organisations for allowing them the time to do so.

- **Theresa Peters** (Te Manatū Whakahiato Ora, MSD and CARN Co-Chair)
- **Allan Stoddart** (Fire and Emergency)
- **JS Schweitzer** (Te Tari Taake)
- **Kate Sirvid** (Waka Kotahi)
- **Alice Best** (Ara Poutama Aotearoa)
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- **Avery Underwood** (Te Tari Taake)
- **James Sergeant** (Reserve Bank of New Zealand)
- **Rhona Stace** (New Zealand Police)
- **Brad Poulter** (New Zealand Defence Force)

Feedback was provided by Te Kawa Mataaho, Te Kāhui Tika Tangata Human Rights Commission, and Gender Minorities Aotearoa.

¹SOGIESC stands for Sexual Orientation, Gender Identity and Expression and Sex Characteristics. People under the 'rainbow umbrella' are often diverse in their SOGIESC.

Our collective responsibility

The guide begins with our collective legal obligations, under the Public Service Act 2020 and the commitments that the Public Service leadership has made to supporting diversity and inclusion. This highlights our collective responsibility to support colleagues who are affirming their gender, those who have already done so, including binary and non-binary, takatāpui, intersex and traditional Pacific gender identities including Fa'afafine/Fa'atama (Samoa), Fakaleiti or Leiti (Tonga), Fakafifine (Niue), Akava'ine (Cook Islands), Vakasalewalewa (Fiji), Palopa (Papua New Guinea), Mahu (Hawai'i), Haka Huahine (Tokelau) and Rae Rae (Tahiti) peoples.

This guide uses the terms rainbow, takatāpui, LGBTQI+ and diverse sexual orientation, gender identity and expression and sex characteristics (SOGIESC) to refer to the range of identities that people may have. For more information about terms, you can consult this [glossary](#) of commonly used rainbow terms published by Te Kawa Mataaho.

We acknowledge the unique diversity of Aotearoa and the contributions our tangata whenua and Pacific peoples provide to our rainbow communities.

“Looking back, what made transitioning in the workplace successful for me was having a surrounding team and manager that celebrated the moment with me. While getting some of the nitty gritty stuff right matters (like using the correct name and pronouns in emails), it's also important not to lose sight that for the person transitioning, this is one of the biggest moments in their life. So having the rest of the office embrace the change and celebrate alongside me at a morning tea on my first day is what I'll always remember most”

Kristen - NZ Public Sector Employee

2 Ngā here ā-ture me tā te ratonga tūmatanui haepapa mō tā mātou ohumahi irawhiti **Legal obligations and the Public Service responsibility to our transgender workforce**

The [Public Service Act 2020](#) (the Act) establishes the responsibility for chief executives in the core Public Service to promote diversity and inclusion. [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 people affirming their gender is paramount to upholding 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 to identify and eliminate all aspects of policies, procedures, or institutional barriers that cause or perpetuate inequality in employment. Public Service chief executives also have “good employer” obligations under section 73 of the Act, to operate employment policies that comply with the principle of being a good employer, containing necessary provisions for the fair and proper treatment of employees in all aspects of their employment. This includes providing for good and safe working conditions.

Employers across the Public Service and employees should also be aware of the statutory frameworks relevant to employment relationships and supporting inclusive workplace culture, including requirements and entitlements under the Employment Relations Act 2000, Human Rights Act 1993, Health and Safety at Work Act 2015, Holidays Act 2003, Parental Leave and Employment Protection Act 1987, Privacy Act 2020, Protected Disclosures (Protection of Whistleblowers) Act 2022 and others.

The Public Service responsibility to our transgender workforce

Diversity and inclusion are at the heart of the Public Service. It's important that our Public Service reflects and understands the society it serves.

The mandate under the Public Service Act 2020, [Papa Pounamu](#), Rainbow Chief Executive Champions, [Kia Toipoto Public Service Pay Gaps Action Plan](#) and other relevant all-of-government strategies and networks to support our diverse workforce all have impact on the transgender workforce. Data indicates that at least 0.5% of the Public Service are transgender, while 0.2% are intersex.

Statistics New Zealand's annual Household Economic Survey began to ask questions about transgender and non-binary people for the first time in 2020. Of the 16,000 households that responded, those aged 18 and over, 0.8% reported that they were transgender or non-binary. This is consistent with the figure for Public Service employees from [Te Taunaki Public Service Census 2021](#), but is still likely to be an undercount of the true population.

Diversity and inclusion is an important focus of the Public Service. Papa Pounamu sets out the comprehensive diversity and inclusion programme for the wider Public Service. The programme includes five priority areas that are focused on making the most positive impact for the Public Service workforce, across all diversity dimensions. Public Service chief executives have agreed to make these commitments mandatory in their workplaces.

The five commitment areas for Papa Pounamu are:

1. [Te Urupare i te Mariu | Addressing bias](#)
2. [Te whakawhanaungatanga | Building relationships](#)
3. [Te āheinga ā-ahurea | Cultural competence](#)
4. [Ngā tūhononga e kōkiritia ana e ngā kaimahi | Employee-led networks](#)
5. [Hautūtanga Ngākau Tuwhera | Inclusive leadership](#)

3 Te Tiriti o Waitangi

The Treaty of Waitangi is a founding document of Aotearoa New Zealand. It is an agreement entered into by representatives of the Crown and of Māori iwi (tribes) and hapū (sub-tribes), signed on 6 February 1840 and in the following weeks. While the status of The Treaty has evolved over time in recent history, successive governments have recognised the significance of The Treaty in the life of the nation.

The Crown has responsibilities in respect of services and outcomes for Māori and strengthening the Crown's relationships with Māori.

One of the core roles of the Public Service is to support the Crown in its relationship with Māori under The Treaty. The Public Service Act 2020 recognises this role and the responsibility of the Public Service Commissioner, Public Service chief executives, and all Public Service leaders to develop and maintain the capability of the system to engage with Māori and understand Māori perspectives.

Public Service Act 2020

Section 14 of the Public Service Act 2020 explicitly recognises the role of the Public Service to support the Crown in its relationships with Māori under Te Tiriti o Waitangi. In the employment area, the Public Service does this by chief executives operating employment policies that meet the requirements for a good employer, including recognition of the aims, aspirations and employment requirements of Māori, and the need for greater involvement of Māori in the Public Service.

In practice this means:

- Improving the Public Service's relationships with Māori by creating and continuing collaborative approaches that are mutually beneficial.
- Greater understanding of te ao Māori woven into the work and ethos of Public Service, including:
 - Te ao Māori concepts, knowledge, values, and perspectives,
 - Te reo Māori (Māori language),
 - Tikanga Māori (protocols and customs),
 - Te Tiriti o Waitangi and understanding how it applies day-to-day.
- Exercise of individual and collective responsibility for a culturally competent Public Service that delivers with and for Māori and is committed to supporting Māori leadership and decision-making roles in the Public Service.

Takatāpui

'Takatāpui' is an ancient Māori term which originally referred to an intimate companion of the same sex. Having fallen out of use for many decades, since the 1980s it has been reclaimed as an inclusive term used by some rainbow people who also identify as Māori. This term encompasses Māori spirituality and culture as well as sexuality.

Those who were born with the wairua (spirit) of a gender different to the one they were assigned at birth may call themselves 'irawhiti' (with a gender that changes or is associated with change), 'whakawāhine' (creating or becoming a woman), 'tangata ira tāne' (a person with the spirit or gender of a man), or one of a number of other terms. One contemporary te reo Māori word for transgender people is 'irawhiti'. This can be used by transgender women, transgender men, and those with non-binary genders. 'Ira kore' is the term used by those who don't identify with any gender.

The intersections of identity – e.g. culture, ethnicity, religion, disability - will make each individual's transition or gender affirmation unique, and it is important to recognise the diversity of experience people living in New Zealand will have because of those factors. Chief executives have a range of responsibilities under the Public Service Act 2020 (e.g. supporting the Crown in its relationships with Māori under te Tiriti o Waitangi (the Treaty of Waitangi) and being a good employer). Good employer requirements apply to Māori public servants who are transgender and identify as male, female or across the spectrum of genders. These include fair and proper treatment in all aspects of their employment, good and safe working conditions, and recognition of their employment requirements.

4 **Tukanga whakamana ira** **Gender affirming processes**

This chapter provides an overview and examples of what gender affirmation – also sometimes known as transitioning gender - can involve. Although not every situation may be relevant in every case, they should help with raising understanding of the issues involved.

Gender affirmation means something different to each person. For some, it may include changing their gender presentation and/or sex characteristics. This could be to align with another gender, either binary or non-binary.

Gender expression is a person's presentation of their gender through physical appearance (including dress, hairstyles, accessories, cosmetics), mannerisms, speech, behavioral patterns, names, and personal references. Gender expression may or may not conform to a person's gender identity.

Transgender people often go through a gender affirmation or transition process, which can include expressive, social, legal and/or medical steps. There is no single way to affirm gender, and each person will do so in a way that is right for them. There is no specific point a person needs to reach and no particular way a person needs to present their gender to the world for their gender to be valid.

Below is an outline of the different stages of a gender affirmation process that people may go through on their journey:

Expressive gender affirmation

This is often the first stage of gender affirmation and for some is about 'testing the waters'. Expressive transitions involve breaking gender 'norms'. Examples of this can include:

- Painting nails,
- Letting hair grow/ cutting hair short,
- Vocal training,
- Changing clothing style,
- Experimenting with makeup/ stopping use of makeup,
- Making changes to their physical appearance e.g tucking, binding, padding.

At this stage the person may not have come out so it is important to still provide full support and affirmation of the person's new and authentic gender expression in a way that does not disclose their early transition to others. As it is 'testing the waters,' this transition may be changed or reversed as the person may either find this isn't them or may have found resistance that they are not yet ready to encounter.

Social gender affirmation

The Professional Association for Transgender Health Aotearoa (PATHA) defines this stage as "the process by which a person changes their gender expression in social situations to better align with their gender identity." A person's social gender affirmation may involve 'coming out' and changing non-medical aspects of themselves to better align with their true gender. Coming out is a very personal and individual part of the transition and can be simple for some and very emotionally draining for others. It can be challenging as the person doesn't know how people around them will respond. It is very important that the person coming out is the one in control of the process, and that the timeline is on their own terms. Social gender affirmation can include:

- 'Coming out' to chosen people (family, friends, colleagues),
- Using a different name,
- Trying new pronouns,
- Wearing clothing which aligns with their gender,
- Using bathrooms consistent with their gender,
- Changing names on emails and any other spaces which is separate from legal name changes,
- Changing hobbies that no longer align with their gender e.g sports teams.

It is very important to listen and to use the correct name and pronouns to support the person who is affirming their gender. A person at this stage of gender affirmation is often at their most vulnerable (at least up until this point). Some people they have come out to may be resistant, causing distress. The person affirming their gender will also be experiencing authentic growth in some relationships while possibly dealing with breakdowns in others.

Legal gender affirmation

Legal gender affirmation involves changing official documents, so they align with a person's gender. This can include:

- [Changing name on birth certificate](#),
- Updating driver's licence,
- Updating name and gender changes on passport,
- Updating gender across financial institutions such as banks, mortgages, insurance companies, KiwiSaver,
- Changing names and gender on household bills.

This is often a long and time-consuming process. It is important that if any updated documents are provided, the details are efficiently applied to any system. Some people can't change documents at all (e.g. in their birth country) or only at certain times (e.g. can only change your name in NZ after you become a permanent resident).

Medical gender affirmation

Medical gender affirmation can be broken down into two categories: non-surgical and surgical.

Non-surgical affirmation

Non-surgical medical aspects of a person's transition can include:

- Puberty blockers, also called hormone blockers, which pause physical changes at puberty that don't match someone's gender identity,
- Gender affirming hormone treatment (for people assigned male at birth taking anti-androgens and oestrogen, for people assigned female at birth taking testosterone),
- Voice and communication training,
- Hair removal.

Surgical gender affirmation

The surgical aspects of gender affirmation can include:

- Top surgery (e.g. removal of breasts in transgender men and transmasculine people, breast augmentation in transgender women and transfeminine people),
- Lower (genital) surgery (e.g. orchidectomy, vaginoplasty, phalloplasty),
- Facial surgery (e.g. facial feminisation surgery),
- Shaving down Adam's apple (tracheal shave),
- Hair transplants.

Surgeries can involve a person needing to take leave while they recover and may limit their ability to perform their usual work duties. Gender affirming surgery, for those who need it, is a health need. It is important to support any team member undergoing gender affirming surgeries in the same way we would any team member through a major surgery.

"From my perspective the transition is more about everyone else transitioning their thinking."

Kelvin - MSD Manager

5 He aratohu hei tautoko i te whakamana ira **Support and guidance for individuals affirming their gender**

If you are in the process of taking steps to affirm your gender or thinking about what this might mean for you, this chapter is intended to help you think about how to discuss it with your people leader and colleagues. It also sets out what you can expect from your employers.

Informing your people leader

Advising your leader(s) may be very daunting for you and it may be the first time they have needed to consider gender affirmation issues, particularly in the work environment. It is important that you are open, honest, upfront and understanding with your colleagues and leaders to ensure that the communication channels are open both ways. This will enable you to convey your needs as well as address any questions or concerns your leader may have. It could also be daunting for your people leader - they may be very open and accepting, but some will find it a challenge that they have not faced before.

Communication with your leader is important because your needs may change as you take steps to affirm your gender. The timing of when to tell your leader and your colleagues can make a difference too. Perhaps your work friends already know. Perhaps you are starting to show your social gender affirmation at work first or take medical steps. Changes in gender expression may raise questions, but people may be too polite to ask. If you are changing your name, you'll have to tell people at work – it could be a good time to also tell them why you're changing your name. Then you can also tell them your pronouns.

Working with your people leader to support you

To ensure a smooth transition meet with your manager/people leader to discuss your transitioning at work plan ([see Chapter 6](#)). Alternatively, you can approach your people leader, or an alternative leader who can work with you to get your direct leader involved. If you need any support, bring along a whānau member, friend or union representative with you.

You may need to consider whether you want to affirm your gender while staying in your current role and team or whether there is an option to be transferred or seconded into another work area before undergoing your affirmation. There are advantages and disadvantages to both, and factors include your working relationship with your current team and how well your colleagues know you and will support you. Talk to your people leader about this.

Agreement between you and your people leader is important before communication and disclosure of the gender affirming journey. How this is done depends not only on your wishes but also the size and structure of your team and department. In a small team, informing them together may be the best approach, while in a large Directorate team, it may not necessary to inform colleagues who have no direct contact with you. It depends on your comfort level with what you want to share, and a judgement call about the varying degrees of comfort within the team as to what is said. Discuss with your people leader and decide on appropriate communications that will work for you, and the team. Your work colleagues will appreciate an email coming from you, and you can discuss with your people leader when you're both ready for that.

Informing your colleagues

Communicating with your team and immediate work colleagues is very important, to ensure you can be your authentic self at work. While you may have had many months, or years, to understand your gender and any steps you wish to take to affirm it publicly, this may be the first time your team and immediate work colleagues have known a transgender or non-binary person.

They may have difficulty reconciling your different identities i.e. getting their head around a work colleague's outward change of gender. Your ability to effectively communicate with them relies on your assessment of each situation and the people involved. Get help from your people leader or someone else whom you trust in the workplace to test out your ideas on communicating your news in different situations or with different work colleagues. There are many ways to disclose your gender to your work colleagues. How you wish to do this is something you will need to discuss with your people leader.

Some possible options include management calling a team meeting and making an announcement on your behalf. This could involve welfare staff and specialists being present to answer questions. Addressing your team in person can be very beneficial for everyone, but it will take courage to do this and you will need to be prepared for the questions and concerns other individuals may have.

You may find a lot of supportive and friendly people and many supportive responses. However, if you receive a concerning message, please discuss it with your people leader before responding.

It is important that you tell people what information you are happy to discuss and have discussed with others and what you are not. The initial disclosure may not be enough information for some team members in your work area. You may want to talk to your people leader about how you would like your work colleagues to receive good and helpful easy-to-understand information. Also consider setting up an opportunity (e.g. a session at a team meeting, or a BYO lunch session) where people are allowed to ask you, your mentor or another specialist questions to which they will receive open, honest and factually correct information.

Decide your tolerance level for being approached by individual work colleagues wanting to know more; you may want to put some clear parameters around impromptu chats or excessive inquiry from some colleagues. It is also important to remember that colleagues may unintentionally use your previous name or pronoun, without due thought, because this is what they are most familiar with. Be tolerant of these unintended mistakes as your colleagues adjust to you living in your new (and true) gender.

There are also specific legalities that your colleagues may need to be reminded of. These should come from your leadership team, and you need to discuss them with your people leader before making the announcement.

Discrimination

Transgender and non-binary people report high levels of discrimination and abuse. According to the [Counting Ourselves survey](#) (2019), two-thirds of transgender people experience high levels of discrimination, and 44% experienced it in the last 12 months. For comparison, one-in-six of the general population experience discrimination.

Leaders should promote inclusion and be alert and quick to respond to discriminatory or non-inclusive behaviour.

Mental health

Leaders need to be aware of your wellbeing and how circumstances at work can affect your mental health. It's their responsibility to ensure that your workplace is safe and that your wellbeing is not compromised at work. They can support this through attention to the work environment, sick leave, flexible working etc.

You may be able to access an Employee Assistance Programme (EAP) which can provide a range of services, including free and confidential counselling services to help you during the process. You may be able to identify and request a counsellor who specialises in LGBTQIA+ issues.

Human and workplace rights for transgender and non-binary people

As a transgender or non-binary person, your rights as an employee are set out in the New Zealand Bill of Rights Act, the Human Rights Act, the Employment Relations Act and other key employment legislation. These statutes cover:

- A minimum wage and comparable wage to cisgender employees
- Same promotion opportunities as cisgender employees
- Sick leave, flexi-hours, and work from home days
- The same training and promotion opportunities as cisgender employees
- No compulsory drug testing (unless specific to your role)
- No harassment, bullying or sexual harassment (of any kind)
- A system for making complaints against colleagues safely

Sometimes people aren't aware of what harassment and bullying looks like. It could be worth discussing these forms of harassment with your people leader:

- Disclosing information about a transgender person without their consent
- Refusing to use their correct name or pronouns (it can take time for some people to get it right)
- Asking invasive questions about their body or sex life (this is sexual harassment)
- Any form of sexual harassment
- Treating them differently to other colleagues
- Doing anything that prevents them from carrying out their normal tasks at work

Working while affirming your gender

It is important to feel that you are able to be yourself. While you are affirming your gender at work, you are still entitled to the same privacy about your health and personal details. An inclusive workplace means accepting everyone for who they are, irrespective of their age, ethnicity, disability, sex, gender, gender identity, sexual preference, religion, marital status or cultural background. You should not feel the need to put on a facade at work, and if your work colleagues are demonstrating the workplace values they should be empowering you and others to be themselves.

The initial period of working in your new gender may be awkward for you and for those around you, but this can be greatly reduced with some careful planning and forethought.

To assist with your affirmation, you may like to have a mentor. The role of a mentor can be whatever you negotiate it to be. Obviously, both you and your mentor have to be comfortable with the arrangement, and the role could include:

- being a supportive sounding board
- providing free and frank advice
- being a point of contact, or conduit, for questions from work colleagues related to gender affirmation

You could choose a mentor of your affirmed gender, but it is most important that the person is someone you already trust and know will be supportive and honest.

“Being myself at work has meant I am more confident in expressing my views. I am more open with people and building friendships at work which has been lovely and positive - I am enjoying my work and workplace”

Fiona - NZ Public Sector Employee

Office facilities

Your workplace should ensure you can use bathroom facilities (including toilets, showers and changing areas) that are appropriate to your affirmed gender. Let your people leader or Human Resources know if you experience any issues.

Working in your new gender role

For the majority of your gender affirmation, you won't need to use sick leave unless you are undergoing surgery or other gender affirming treatment. The amount of time you need off will determine what leave options you can use. Human Resources are also available to you and to your leader, so talk to them about the role they can play in providing you with support and advice.

Administration

Talk to the Human Resources team, and/or the Payroll Services team regarding any questions about forms of address and change of name, records, and privacy of your personal information. This is particularly important if you have not/cannot legally change your name.

Taking time off during transition

The availability of publicly funded gender affirming healthcare is patchy throughout New Zealand. There are very few private surgeons in New Zealand, so many transgender people go overseas for surgeries. These surgeries are expensive and may need a few weeks recovery.

You may need to make your people leader aware of the financial costs and time needed for a person to go through medical, gender affirmation, etc, in particular the possible need for extended leave. Everyone has different needs in terms of affirming healthcare, and it's important that you do not feel rushed for the convenience of your leader or workplace.

After you have announced your plan to transition you may initially wish to keep a low profile and take a short period of leave while you adjust your appearance/grooming. Doing that may reduce any confusion for others with potential ambiguity during this time of transition, and it can also be a time for your work colleagues to get used to the idea of you turning up to work presenting as a different gender. It is your call, in discussion with your people leader, about what will work best for you.

Adjusting your appearance and grooming can take time, for example if you are affirming your gender from male to female, you may grow your hair and/or use a wig (or wigs) in the interim. Deciding on the way you want to physically present yourself can be a significant part of affirming your gender.

To overcome any associated workplace awkwardness, particularly during the early stages of social and hormonal realignment, you might decide to negotiate some annual or sick leave, leave without pay, and/or discretionary leave. Talk to your people leader, and also check with Human Resources about the available options. You could also explore working at home if possible, or in a more secluded work environment, if this is your preference.

“Being myself at work means I no longer have to hide who I truly am. I am less stressed and more confident, not just in my working environment, but in life in general. I’m now willing to interact with fellow comrades as I’m no longer afraid of accidentally letting something slip in conversation regarding my gender”

Arwen - New Zealand Defence Force

6 He aratohu mā te ranga Tautoko Kaimahi Support and guidance for Human Resources

This is the practice that CARN recommends for Public Service organisations. The below information can be adapted for use within your organisation and in alignment with existing Human Resource policies. Your organisation is free to use this guide, however it would be appreciated if CARN were credited, and our logo used where possible. A customisable Microsoft Word document will be made available upon request.

In addition, you may want to refer to the Public Service Commissioner's model standards on positive and safe workplaces - [Positive and safe workplaces - Te Kawa Mataaho Public Service Commission](#), and/or Employment New Zealand's information on transgender employees - <https://www.employment.govt.nz/starting-employment/hiring/discrimination-when-hiring/transgender-employees/>.

Develop a plan

The leader and team member affirming their gender should develop a plan as a guide and framework to support the gender affirmation. The plan can include: timing of communication or any announcements, any projected leave, and what support may be needed throughout the transition. This plan should be centred on and driven by the team member and their needs and pace and should be regularly reviewed and updated as circumstances and pace could change. Hold regular and on-going check ins with the person affirming their gender.

Employment records

An employee who is affirming their gender may request [name of organisation] to update their employment record, email address and photographs on display around the workplace (including their security access card) to reflect their true name and gender.

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

Leave

It is recommended that organisations grant special leave or discretionary leave for gender affirming health care and surgeries.

Names/Pronouns

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

The intentional and persistent refusal to respect an employee's gender (for example, intentionally referring to the employee by a name or pronoun that does not correspond to their gender) may constitute discrimination, bullying or harassment as described in [name of organisation] policies. If you are a colleague of someone who is affirming their gender 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

Your workplace should ensure you can use bathroom facilities (including toilets, showers and changing areas) that are appropriate to your affirmed gender. Let your people leader or Human Resources know if you experience any issues.

Dress Code

It is advised to not have gendered dress codes or uniforms. Where an organisation does have gendered work wear or uniforms, individuals should be allowed to wear the clothing they are most comfortable with that aligns with their identity.

“Being myself at work means being able to get on with my mahi and progress my career without worrying about what people think of me and my gender identity. It means being able to talk openly about my transition experience and of issues facing transgender people in my workplace, in our agency, across the Public Service and all of Aotearoa”

Tai - Te Pou Rangatōpū | Ministry of Education

Discrimination and Harassment

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

[name of organisation] is committed to creating a safe work environment for all our people, including employees who are transgender and non-binary. Any incident of discrimination, harassment or bullying based on gender identity or expression will be dealt with in accordance with [name of organisation]’s relevant policies.

Action taken by [name of organisation] 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 amount to serious misconduct and may result in disciplinary action, up to and including dismissal. Employees who have encountered or witnessed discrimination, bullying or harassment from anyone including employees and clients, should raise this with their leaders, or with [name of your Human Resources group].

Complaints

[Organisation] has a complaints process that employees can follow.

Confidential Counselling: Employee Assistance Programme

[name of organisation] requires our people to support an employee’s choice to affirm their gender in our workplace.

[name of organisation] Employee Assistance Programme is available for employees who would like advice and guidance in relation to affirming their gender themselves, or to support someone who is doing so.

[name of organisation] engages an external provider for the provision of confidential counselling for all employees.

The Employee Assistance Programme provides short term counselling and support on a range of personal issues. [please enter in details of how to contact EAP in your organisation].

Pōwhiri and marae visits

There is advice available on pōwhiri and marae visits for transgender and non-binary people from the InsideOUT Kōaro resource page, including the [Powhiri Guidebook](#).

7 He aratohu mā ngā kaiārahi tāngata **Support and guidance for people leaders**

Gender Terms/Understanding

The actions of management will play a key role in the successful outcome of gender affirmation in the workplace. A lack of knowledge about transgender and gender diversity issues has the potential to create anxiety and confusion. If you are not familiar with rainbow communities there are resources available that can help you. Below are some initial terms and concepts.

It is important to be clear from the outset that sex assigned at birth, gender identity, and sexual orientation are three distinctly different matters and although overlapping, they should not be confused.

Sex assigned at birth is the sex a person is assigned based on physical appearance at birth. Gender identity is about our personal sense of being female, and/or male, and/or gender diverse. Each of us defines our own gender identity; which means that gender identity and its expression vary greatly.

It is different from sexual orientation, which is about who we are attracted to or choose as a sexual or romantic partner.

Transgender people may be heterosexual/straight, lesbian, gay, bisexual, pansexual or asexual – just like cisgender people, those whose sex assigned at birth matches their current gender identity.

The term ‘transgender’ is an umbrella term commonly used to describe a broad spectrum of people whose gender identity or expression does not match their sex assigned at birth.

Non-binary refers to an individual’s behaviour or gender expression that does not match the gender norms or societal stereotypes.

Gender affirmation is the process of changing one’s gender presentation and/or sex characteristics to align with their gender identity. Gender affirmation is unique for each individual and may involve social, legal and/or medical transition [see chapter 4 - Gender affirmation](#) for information. It should be stressed that not all transgender or non-binary individuals will undergo gender affirmation.

Managing affirming gender at work

Organisations that foster an inclusive workplace have higher levels of performance and morale. This allows for an environment of trust and openness. People are more likely to be comfortable, to demonstrate their initiative and be more efficient and effective.

As a leader, your attitude towards transgender and non-binary team members has a strong impact on how they are treated and respected by others. Transgender members who do not feel safe or confident being themselves can spend a significant amount of their available capacity feeling anxious or hiding aspects of themselves. Therefore, they are not performing at their best.

When a team member discloses to their people leader that they are transgender or non-binary, this can be a very significant step. They may need to share highly sensitive and personal information. All decisions regarding gender affirmation should be at the team member’s pace and direction, including any steps they may take in the workplace. However, the employer has a duty of care to both the team member and the others in the workplace.

When the initial contact is made by the person affirming their gender with their leader, it could be informal. It may be as simple as a request for a meeting. It is quite likely that the person has taken some private steps to prepare for disclosure. Give them time to discuss with you their current situation and their plans for the future. It is acceptable to let them know if you need to seek advice to help them. Be open and supportive. The process is different in every case with regard to timelines and other factors. Gaining their confidence in you as a leader is imperative. The transgender or non-binary team member will set the pace of change.

Confidentiality

Maintaining confidentiality is critical, so avoid disclosing your team members' transgender or non-binary status prematurely and without their permission. Be openminded and demonstrate understanding. The disclosure of information to third parties, or a sudden increase in attention on the team member's gender, can cause them harm even if done with good intentions. Make sure to discuss any planned courses of action with the team member who is affirming their gender to ensure they are comfortable and prepared before taking any action that could impact on their transition. Your team member may ask you to assist with communication to people they work with e.g. colleagues, customers, stakeholders.

Your responsibility as their leader is to support them. While you may find the disclosure surprising or unexpected, it is important that you do not attempt to question or dissuade them from their decision. It is important that everyone feels safe and comfortable to be themselves at work. Learn about what gender affirmation means and may involve. This may be a new concept to you, so please take the opportunity to learn about what it means to your team member.

Name and pronouns

When your team member begins to affirm their gender socially, they may want to be known by a different name and pronouns. Use these if you have been asked to and advise colleagues about changing their language too. If you are not sure if your team member has changed or intends to change their name and/or pronouns, it is appropriate to respectfully ask them how they would like to be addressed. Generally, it is considered disrespectful to continue to use the wrong name and/or pronouns once they have established the correct name and/or pronouns to use. While it is expected that mistakes will be made initially, continued intentional misuse may be considered as discrimination and harassment.

Developing a project plan for the workplace

To support a transgender or non-binary team member to affirm their gender, their leaders are encouraged to develop a confidential gender affirmation project plan in consultation with the person, detailing what needs to be done in preparation for the workplace. [See Chapter 6 - Support and guidance for Human Resources](#). It is crucial that the transgender or non-binary team member directs the timing of informing others, how others will be told, and who should be told. The plan is not meant to dictate a pace or timeline, but rather provide a framework for managing the transition process.

There is no single or 'best' way for a person to affirm their gender, so it is important that all parties involved use an adaptive process, adjusting and revising the plan for the situation and circumstances at hand.

There is a 'Quick Check List' for people leaders supporting a team member to affirm their gender also available through CARN.

"Having a supportive manager means I dont have to worry about coming to work.
It means my anxiety levels are not horrendously overwhelming"

Carl - Ara Poutoma Aotearoa | Department of Corrections

Leading by example

The most effective way to establish a welcoming, supportive and safe atmosphere is to lead by example. You define the degree of inclusion within the team and wider workplace by your leadership and attitude towards your gender affirming team member. Your approach and behaviour have a strong impact on how that team member will be treated and respected by others. Be respectful and avoid making assumptions about the person.

Creating an open, learning environment where the team is encouraged to learn and understand is a very effective way to proactively manage the transition.

You can proactively lead by:

- **Open, honest communication**
- **Raising the awareness and understanding of others**
- **Showing genuine support for the team member affirming their gender**
- **Monitoring team behaviour, and actively dealing with inappropriate and/or unsupportive team behaviour**

Supporting colleagues with education and awareness

The most effective way to prepare people is to raise team awareness and understanding and, in consultation with the transgender or non-binary team member, to inform others in the team. Encourage your team to read around and understand the topic. Education will be the foundation of effective and proactive support for your team member.

Educating team members and other stakeholders is important as some people may struggle with the change. It is important that the team member is accepted for who they are. It is normal for team members to have mixed feelings about their colleague's gender affirmation. The level of knowledge and the camaraderie within the workplace are both factors that could affect teams.

Without an understanding of what it means for someone to affirm their gender, people can make their own assumptions and potentially communicate them as well. Effective communications and support for other team members can help avoid this.

Leaders are strongly advised to engage with other team members and assess their understanding and support requirements. Uncomfortable situations such as facing challenging questions or inappropriate comments due to their association with the trans or non-binary person may arise. It is important to support those team members with education and further information so that they are comfortable and confident when responding to colleagues. It is important to provide the same level of support for them as for the transgender or non-binary member of the team.

The transgender or non-binary employee's right to privacy and the requirement for confidentiality should be clearly explained to peers and colleagues. This may limit how much information you can give to peers and colleagues when explaining the situation or dealing with concerns.

Bias - Conscious and Unconscious

You may find yourself or others having to confront biases regarding transgender and non-binary people. Addressing bias is one of the most powerful ways we can create fair, diverse and inclusive workplaces where everyone can succeed and be valued.

A bias is a tendency or prejudice either toward or against something or someone. We all have biases, and they can be complex and challenging to identify and manage. There are many different types of biases, both unconscious and conscious.

Unconscious biases are ones that we're not aware of. These come from the part of our brain that makes snap, automatic judgments without realising or considering them. When we fail to consider or take accountability for our unconscious biases, it can cause us to behave in a way that makes us more naturally biased towards people, places, and situations.

It's important to grasp that bias can be positive or negative. But it's more often that they tend to be unreasonable, inaccurate, and unfair. Naturally, this type of bias can cause numerous issues if not addressed when an employee is affirming their gender in the workplace.

Support for transgender or non-binary individuals

Support can be critical for individuals who intend to affirm their gender or who are doing so. Ensure that the member is aware of available support services. [See Chapter 6 - Support and Guidance for Human Resources.](#)

You may want to encourage and assist the team member to identify a suitable and willing mentor from either within their workplace or external to it.

Support for you as a Leader

It may also be helpful for you to consider using a mentor as well - someone who has experience and skills in managing a transgender or non-binary team member or other sensitive employee situations. Discuss this approach with the team member affirming their gender to obtain consent and maintain confidence and trust in your relationship.

Leaders are reminded that there may be additional accommodations to make the workplace suitable for a transgender or non-binary team member, seek support where needed. You have had a direct role in supporting your team member to be who they are. Take steps one at a time. As you monitor the effects on the team, also reflect on your management.

Privacy

The Privacy Act provides protections around the collection, use and disclosure of personal information. Organisations should be mindful of their privacy obligations when dealing with personal information relating to an individual's gender affirmation, and ensure this is managed carefully and sensitively, and with the appropriate authorisations. For instance, ensuring any disclosure of such information is part of an agreed action plan.

Peers, colleagues and anyone else privy to a team members transgender or non-binary status, including any personal health information, should be made aware of any privacy or confidentiality obligations and expectations and take steps to safeguard such information.

- Organisations should ensure that they have the individual's authorisation, or a lawful reason in line with the Privacy Act principles, if they intend to disclose any personal information about an individual affirming their gender. This includes sharing any personal information with other team members on a business need-to-know basis.
- The organisation may require proof of identity for verification purposes, however organisations should ensure that they are only collecting the minimum personal information necessary for their purposes, e.g. it is unlikely an organisation will have need for evidence of gender affirmation surgery or treatment.

Bullying/Harassment

Transphobic attitudes and harassment are some of the most pervasive, frightening, and potentially damaging threats a gender affirming individual can face. If someone is being bullied, called names, threatened, or physically harmed at their workplace because of their gender identity, it is a management responsibility to act to stop the harassment and rectify the situation. Some examples of discrimination on the grounds of gender identity may include:

- refusing to address the person by their new name or failing to use the correct pronouns for their new gender,
- failing to maintain confidentiality of information about a person's transgender or non-binary status,
- probing into the person's private life and relationships or spreading malicious gossip,
- refusal to allow use of the appropriate ablutions and changing facilities after a reasonable transition period,
- any form of bullying no matter how seemingly minor, such as jokes that re-enforce stereotypes or are degrading to anyone should not be tolerated.

The process of gender affirmation can take several years, and it is expected that mistakes will be made with names and pronouns as people adjust to the new identity. A common-sense approach needs to be adopted by all concerned to ensure people are not fearful of making a mistake or punished for an inadvertent slip but swiftly addresses any deliberate acts of harassment. The transgender or non-binary individual's right to privacy needs to be held with the utmost importance.

Unnecessary or malicious sharing of information about the transgender or non-binary person or their gender affirmation is unacceptable and needs to be viewed as such.

Annual and Sick Leave

Your team member may need time off work relating to their gender affirmation. Any leave for counselling appointments, to see medical specialists, or undergo surgery etc should be treated the same as medical appointments for any other employees.

As each case is different, the best advice is to keep discussions open with the team member, gauging what they need, and getting advice on what the organisation is able to offer/provide in the situation. In some organisations, gender affirmation leave or more commonly discretionary or special leave may be available. In all cases, it is best to speak to your Human Resources department before speaking to the team member to understand what leave is available.

Glossary of terms and further resources

There is an Inclusive Language guide available on the Te Kawa Mataaho website: [Glossary — Diversity and inclusion, common rainbow terms - Te Kawa Mataaho Public Service Commission](#)

Further reading and resources are also available on the CARN/ELN website: [Cross Agency Rainbow Network – Employee Led Networks - Te Puna Huihuinga Kaimahi \(employeenetworks.govt.nz\)](#)

