

Trans and gender diverse inclusion

Context

Victoria Police is committed to the recruitment, inclusion and retention of a workforce that reflects the diversity of the community it serves, including people who identify as trans and gender diverse.

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Definitions

Gender – refers to the way in which a person identifies and/or expresses their sense of self. A person's gender identity or gender expression is not always exclusively male/masculine or female/feminine and may or may not correspond to their sex.

Sex – biological characteristics.

Trans - A person who identifies their gender as different to what was assumed at birth may consider themselves transgender or trans. A trans person might identify as male or female, or as non-binary.

Gender diverse – An umbrella word for people with diverse or non-conforming gender identities.

Cisgender - A person's biological sex and gender expression are the same. For example, a person expresses herself as female, and is also biologically female. It relates to the culturally determined gender roles for one's birth at sex (i.e. the biological sex one was born with).

Affirmed gender - The gender to which one identifies, which may or may not match the individual's gender at birth.

Gender affirmation is the physical, legal and social process of transitioning gender. This may include surgery, hormone or other medical treatment, changing name, using different pronouns, and changing gender on identification documentation such as birth certificate,, passport or driver's licence.

Genderqueer – a person who identifies as not necessarily male, female or viewed in a binary

manner. Genderqueer people may identify as masculine, feminine, androgynous, bi gendered or partially male or female in varied ratios. Genderqueer people may be third gendered or reject gender roles altogether. Some Genderqueer people also access medical services to 'transition'.

Intersex – refers to people who are born with genetic, hormonal or physical sex characteristics that differ from expectations of 'male' or 'female'. Intersex people have a diversity of bodies and identities.

Misgendering - Describing or addressing someone using language that does not match a person's gender identity.

Transition – the period in which a person undergoes a change from living one gender identity to another. This is likely to include learning to live socially in another gender role (**social transition**) and sometimes includes feminisation or masculinisation of the body through hormones or other medical procedures (**medical transition**).

Policy

It is the policy of Victoria Police that a safe and supportive environment is provided to all trans and gender diverse employees, including persons intending to commence or undergoing gender transition (either socially or medically), as well as those who have transitioned gender.

- Everyone has a right to be treated equally. Victoria Police values diversity and is committed to providing a safe, supportive and respectful work environment. Victoria Police will not tolerate inappropriate behaviour towards employees based on their gender identity.
- It is against the law to discriminate against someone based on their gender identity, and under legislation, a person's gender identity is a protected attribute. Both the *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* specifically provide protection on the basis of gender identity.
- This Policy covers those individuals who identify as trans and gender diverse, and includes those transitioning in the workplace.
- Trans and gender diverse persons applying to join Victoria Police will be given the same consideration as any other prospective employee.
- Victoria Police will work in partnership with employees to support and make every attempt to accommodate those wishing to transition in the workplace and affirm their gender identity. At the request of the employee Victoria Police will partner with the employee to plan and execute the workplace transition with the guidance of trans and gender diverse advocacy and education organisations.
- Victoria Police will provide training for relevant employees and managers in gender diversity awareness and inclusion. Victoria Police will assist employees through personnel processes and procedures as they affirm their gender.
- Victoria Police employees are required to comply with relevant legislation and equity and diversity policies. Employees will treat trans and gender diverse persons as the gender with which they identify, and refer to them as such.

Responsibilities and procedures

1. Recruitment

1.1 *Recruiting standards*

Trans and gender diverse persons applying to join Victoria Police will be accorded the same consideration as any other prospective employee.

1.2 *Disclosure of trans and gender diverse status*

Privacy – breaching an applicant's (or any employee's) privacy on the basis of their trans and gender diverse status is unacceptable and may constitute unlawful discrimination.

Permitted disclosure – trans and gender diverse applicants are only required to disclose their status during the following checks, as part of the standard recruitment process:

- All applicants are subject to a criminal records check; applicants are required to disclose all previous criminal convictions, court appearances, traffic fines, and any previous names or identities. This process may identify an applicant's trans or gender diverse status. All employees working with Recruiting Services Branch and Records Services Division are bound by the Victoria Police Act and the Victoria Police Manual.
- As part of their Victoria Police application all police, protective services officer and police custody officer applicants are given a medical booklet for their GP to complete. This booklet assesses current health conditions, as well as previous surgery and medical conditions.
- All employees who require access to information classified at 'protected' or above must undergo a security vetting process. This process may identify an employee's trans or gender diverse status. All security vetting checks are conducted in house by Personnel Security employees at Information Management, Standards and Security Division (IMSSD). Employees working with IMSSD are bound by the Victoria Police Act and Victoria Police Manual.

Information handling – trans and gender diverse status information provided during the above processes, including the results of background checks, is personal information. It may only be accessed by employees with a legitimate need for the information, such as responsibility for administering the recruiting and security process – **refer to VPMP Information privacy**.

2. Workplace Guidance

2.1 *Name and pronoun usage*

It is important that trans and gender diverse persons be treated with respect and therefore be addressed according to their preferred names and pronouns. In everyday written and verbal communication, an individual's preferred name and pronoun usage should be used by all staff members.

Trans and gender diverse staff members may change their preferred name/desired pronoun usage at any time during their employment. Employees are entitled to change their name on Victoria Police systems.

2.2 *Workplace facilities*

Trans and gender diverse persons are entitled to use toilets, shower facilities/change rooms, and other similar facilities that are appropriate to their affirmed gender or current gender presentation.

2.3 *Dress code*

Trans and gender diverse persons are permitted to dress consistently with their affirmed gender, whilst complying with the **VPM Uniform and Appearance Standards**.

2.4 *Leave entitlements*

A transitioning employee may require time away from the workplace to complete all or part of the process. Employees may use personal, recreational or long service leave entitlements in accordance with existing accruals and entitlements, or request time off as leave without pay – see **VPM Leave**. Where possible, the employee may also perform light duties. The employee may seek advice for their specific circumstances from Workforce Diversity and Inclusion Unit via the [HRD-DIVERSITYUNIT-MGR](#) PBEA Human Resource Department.

3. **Workplace support**

3.1 *General requirements*

Managers are required to ensure that trans and gender diverse employees as well as their colleagues are provided appropriate information, education and support. Assistance in coordinating a wellbeing management plan for the workplace can be facilitated in consultation with Workplace Diversity and Inclusion Unit and Police Psychology.

Management should take appropriate action, in consultation with the employee, to ensure that measures are in place to provide a safe and supportive environment for both the individual employee concerned and other employees in the workplace. Workplace Managers should seek advice and assistance from Workforce Diversity and Inclusion Unit via the [HRD-DIVERSITYUNIT-MGR](#)

Managers and employees should be aware that discrimination may take the form of deliberately using incorrect pronouns, invasive and/or inappropriate questioning about a person's physical characteristics, or sex life, any form of harassment or bullying (including ridiculing or ignoring someone) based on their gender identity, and changing the nature of someone's job based on their gender identity.

Information and details on support services relating to trans or gender diverse persons can be found by contacting the Workforce Diversity and Inclusion Unit, Human Resource Department. Support services information can also be found under the Downloads section located on the Diversity and Inclusion LGBTI Workplace Inclusion intranet page.

3.2 *Initial notification*

Victoria Police employees considering workplace transition are encouraged to provide prior notice of their intention to transition as soon as they are comfortable in doing so. Support, education and any other adjustments within the workplace may be arranged where appropriate. The individual who is undergoing, or intends to transition is encouraged to utilise the support services offered by the Police Psychology Unit via the

[POLICE-PSYCHOLOGY-GLLO-MGR](#) PBEA or speak to a psychologist in the first instance.

3.3 *Transition plan*

The Police Psychology Unit will work with the employee to develop a transition plan, if the employee wishes to do so. In consultation with the employee and local management, Police Psychology will support the employee and consult with the workplace in addressing key items including but not limited to:

- transition timeframe
- name and pronoun usage (see section 3.1)
- proposed work location of employee during and/or following transition
- Workplace facilities (including toilets) and change rooms (see section 3.2)
- operational considerations during transition
- dress code (see section 3.3)
- notification of work colleagues
- amendment of personnel records
- security clearance notification / amendment to security clearance records
- training for colleagues as agreed by the transitioning employee, local management and Police Psychology.

4. Internal and external communication

The Internal Communications Unit in Media and Corporate Communications Department can support the development of a communication plan in consultation with the employee, their local management, Welfare Services and Workforce Diversity and Inclusion. The aim is to prepare a comprehensive and proactive communication plan to guide and support the employee in their decision to inform their work colleagues.

Although community understanding of issues affecting trans and gender diverse community members has improved, trans and gender diverse employees may still attract media attention. The potential for media attention, and how this may be responded to, should be discussed with the employee. For transitioning employees, how Victoria Police will respond to media attention may form part of the transition plan. Media and Corporate Communications need to be consulted regarding preparation and release of any statement.

Confidentiality must be adhered to at all times.

5. Confidentiality of medical and personnel records

To ensure confidentiality and privacy, medical and personnel records will be managed in accordance with **VPM Personnel records** and **VPMP Information privacy**.

Confidentiality of client information collected by Police Psychology will be held in accordance with **VPMP Information privacy** and the *Health Records Act 2001*.

Related documents

- [Victorian Equal Opportunity Act 2010](#)
- [Victoria Police Equal Opportunity Policy Statement](#)

- [Victoria Police Gender Equality Strategy and Action Plan \[2017 – 2020\]](#)
- [Victoria Police Diversity and Inclusion Framework \[2017 – 2020\]](#)
- [Public Administration Act 2004](#)
- [The Australian Human Rights Commission Act 1986](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)
- [Victoria Police Act 2013](#)
- [Health Records Act 2001](#)
- [Privacy and Data Protection Act 2014](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)
- [VPM 301–2 Police Recruiting](#)

Further advice and information

For further advice and assistance regarding this operational procedure please contact Workforce Diversity and Inclusion, Human Resource Department.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
20/11/17	Replaces VPM 311-1; which has been updated and revised in response to the VEOHRC Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police.	FF-109785