

# Transgender Discrimination

**Treated unfairly because  
of your gender identity?**

**How the Equality Commission can help you**



## Transgender discrimination is unlawful

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### What the law says

Sex discrimination law protects you from direct discrimination, harassment and victimisation if you are planning to undergo, are undergoing or have undergone gender reassignment.

Gender reassignment is defined in the regulations as “a process which is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex and includes any part of such a process.”

This means that an individual does not need to have undergone any specific treatment or surgery to be covered by the law.

Some people may decide to apply for a Gender Recognition Certificate (GRC) to obtain legal recognition of their acquired gender. Anyone who holds a GRC has the right to be treated according to their acquired gender under the law.

### Areas covered

The law covers the areas of **employment and vocational training, access to goods, facilities and services and the disposal or management of premises.**

Promoting equality of opportunity between men and women is also one of the duties placed on public authorities. This means organisations such as government departments, councils, health and social services trusts, education bodies, etc, should take steps to ensure equality for trans people in their policies and decision-making.

There may be gaps in the law and the Commission would encourage anyone who feels that they have been treated unfairly because of their gender identity to report it to us, even where the law may not cover their situation at present.

### Employment and vocational training

You are protected from unfair treatment, for example:

- when applying for a job
- in the course of your employment – this includes practical issues such as dress codes and use of toilet facilities, as well as transphobic harassment or discrimination by work colleagues
- if you are disciplined, dismissed or made redundant
- where you are pursuing a course of vocational training at a college of further or higher education or with a training provider.

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### Access to goods, facilities and services

The law protects you from being refused a service, offered a lower standard or a worse service, for example:

- when accessing health and social care
- using sports and leisure facilities, shops, clubs or hotels
- buying or renting property
- obtaining financial services such as banking and credit facilities.

You should not be subjected to any type of rude or offensive comments or behaviour from staff providing these services regardless of whether they are paid for or free of charge.

### How the Equality Commission can help

If you feel that you have been treated unfairly because of your transgender status you should contact the Commission for advice. Our services are confidential and there is no cost involved.

- The first step is to ring us on 02890 500 600 and ask to be put through to someone in our legal team for advice. You may be asked to give your contact details and the nature of your enquiry. However you do not have to give this information and can remain anonymous at this stage if you prefer.

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- You will then be put through to a Discrimination Advice Officer who will discuss your enquiry with you in more depth. If no-one is available to take your call immediately we undertake to ring you back within three working days, provided you give us your contact details.
- Our staff are trained to identify potential discrimination across the range of grounds covered by equality law and will be able to provide you with information on your rights and clarify all the options open to you.
- Often the matter can be resolved informally by you with the employer or service provider without recourse to courts or tribunals. This can be easier to do when you are better informed about your own rights and the legal responsibilities of the other party.
- If you decide that the only way to resolve the problem is to make a formal legal complaint to a court or tribunal, Commission staff can explain how to do this.
- They can also tell you how to apply for legal assistance from the Commission and explain this process to you. If your application is supported, a trained representative from the Commission's legal team will be assigned to your case.
- There are strict time-limits for making a complaint of discrimination. Generally, complaints must be made to the tribunal within 3 months if you are complaining about an employment issue or within 6 months to a county court if your complaint relates to the provision of services.

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- We recognise that there are unique privacy issues associated with discrimination complaints relating to transgender status. Commission staff will make every effort to respect your privacy and anything you tell us will be kept confidential.
- The courts may be able to take privacy issues into account in relation to the conduct of proceedings in certain circumstances. However it is important to remember that each case will be judged on its own merits.
- You should be aware that it is up to the court or tribunal, and not the Commission, to decide whether or not discrimination has occurred and to decide on any compensation to be awarded to the individual who has taken the complaint.



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- If the Discrimination Advice Officer does not feel that your query falls within our remit they will try to signpost you to the appropriate statutory agency or support body.

Please note that equality laws also cover the areas of **age**, **sexual orientation**, **race**, **religious belief**, **political opinion** and **disability**. Visit our website for more information.

To talk to a Discrimination Advice Officer in confidence contact us:

**Telephone:** 028 90 500 600  
**Fax:** 028 90 248 687  
**Textphone:** 028 90 500 589  
**Email:** [information@equalityni.org](mailto:information@equalityni.org)  
**Website:** [www.equalityni.org](http://www.equalityni.org)



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### Useful contacts - support groups

There is a number of local groups offering a range of support and services around trans and gender identity issues. Here are website addresses for some that we are aware of – further contact details and more information can be found at [www.transgenderni.com](http://www.transgenderni.com). Inclusion of details in this leaflet is not an endorsement of any organisation listed.

AffirmNI – [www.affirmni.co.uk](http://www.affirmni.co.uk)

Belfast Butterfly Club – [www.belfastbutterflyclub.co.uk](http://www.belfastbutterflyclub.co.uk)

Focus: The Identity Trust – [www.thefocustrust.com](http://www.thefocustrust.com)

GenderJam – [www.genderjam.org.uk](http://www.genderjam.org.uk)

Gender Essence – [www.genderessence.org.uk](http://www.genderessence.org.uk)

Non-Binary+ N Ireland – [www.nonbinaryni.wordpress.com](http://www.nonbinaryni.wordpress.com)

SAIL – [www.sailni.com](http://www.sailni.com)

LGB&T groups such as:

The Rainbow Project [www.rainbow-project.org](http://www.rainbow-project.org)

Cara-Friend [www.cara-friend.org.uk](http://www.cara-friend.org.uk)

HereNI [www.hereni.org](http://www.hereni.org)

may also be able to provide advice and support.

Equality House  
7-9 Shaftesbury Square  
Belfast BT2 7DP

**Tel:** 028 90 500 600

**Email:** [information@equalityni.org](mailto:information@equalityni.org)

**Website:** [www.equalityni.org](http://www.equalityni.org)



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FOR NORTHERN IRELAND