Overview of Regulations for Transgender Military Personnel from the UK, Canada, and Australia

2013
The UK issued its regulations January, 2009; Canada issued its regulations November 1, 2010; and Australia updated its regulations on August 5, 2011. The general intent of the regulations is to provide guidance for the management of transgender military personnel, and to assist leadership in ensuring that transgender military personnel are “treated with dignity and respect” (Canadian regulations) and prevent discrimination and harassment. The Canadian and British regulations are for “transsexuals” while the Australian regulations refer to gender identity, and transgender and inter-sex individuals specifically.

All of the regulations provide definitions for key terms like gender identity and transgender and other words. The regulations refer to cross dressing mainly as a contrast to the definition of transsexual or gender transition. The UK regulations define transsexualism as a medical condition, and note “it is not a symptom of another medical condition.” The Canadian regulations refer to Gender Identity Disorder, but note that “not all transsexual people experience gender dysphoria or are diagnosed with GID.” The Australian regulations refer to Gender Identity Disorder as a medical condition that often includes psychiatric evaluation.

All of the regulations include sections on the legal context. In the UK that includes: The Sex Discrimination Act 1975 (SDA 75); The Gender Recognition Act 2004 (GRA 2004); The Data Protection Act (DPA) (1998); The Equality Act 2006 and Gender Equality Duty. In Canada the legal context includes: Canadian Charter of Rights and Freedoms; and the Canadian Human Rights Act. In Australia the legal context includes: Australian Human Rights and Equal Opportunities Commission Act 1986, Privacy Act 1988, Sex Discrimination Act 1982, Occupational Health and Safety Act 1991, Public Service Act 1999, and other Commonwealth, State and Territory anti-discrimination legislation. The also include reference to other relevant military personnel policies, including marriages and civil unions (In the UK a MTF person would have to annul their heterosexual marriage and then get a civil union if they want to stay with their female spouse – they do provide an expedited process for this though).

All of the regulations include an explanation of gender transition and how it should be handled, with varying levels of detail, including how to communicate with the chain of command and even the media about transitions. Things like privacy, dress and deportment, medals, records, and birth certificates are covered.
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<td><strong>Audience:</strong></td>
<td>Transsexual Service Personnel and all Service personnel and civilian staff who manage Service personnel</td>
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<td><strong>Contact:</strong></td>
<td>Caroline Reynolds, SPPol SC-EO2 (9) 6218 9620 (020 7218 9620) email: <a href="mailto:caroline.reynolds450@mod.uk">caroline.reynolds450@mod.uk</a></td>
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POLICY FOR THE RECRUITMENT AND MANAGEMENT OF TRANSSEXUAL PERSONNEL IN THE ARMED FORCES

INTRODUCTION
1. This document sets out the Armed Forces’ policy on the recruitment and management of transsexual personnel and provides general information on transsexualism and the process of gender reassignment. Its purpose is to provide guidance to serving personnel, Commanding Officers and Line Managers on how the relevant law applies, including the statutory duty to have due regard to the need to eliminate discrimination and harassment on the grounds of gender reassignment and the issues relating to the recruitment and management of transsexual people in the Armed Forces.

2. The incidence of transsexualism in the general population is comparatively low and it is unlikely that Commanding Officers and Line Managers will encounter many transsexual people in the course of their duties. It is important however that they are aware of the Armed Forces’ policy on the recruitment and management of transsexual people and gender reassignment and understand what they must do, should the situation arise.

3. Definition of Transsexualism. Transsexual people have a deep conviction that their gender identity does not match their appearance and/or anatomy. The incongruity between identity and body can be so strong that individuals wish to present themselves in the opposite (also referred to as acquired) gender. This is a widely recognised medical condition variously referred to as gender dysphoria, gender identity disorder or transsexualism. It is a strong desire to live in the opposite gender to that in which a person has been registered at birth and be accepted in all respects as a member of that gender. Transsexualism is not a symptom of another medical condition.

4. Recognising that someone has gender dysphoria may not be straightforward. An individual who has gender dysphoria may show symptoms similar to those of a stress or anxiety related condition. In addition, people who have gender related issues are used to concealing them,
especially from authority figures. Service personnel who consider themselves to be transsexual are likely to have been through a turbulent and emotional period of coming to terms with their suspected gender identity. Sensitive and sympathetic handling of the individual is therefore essential. Any individual who declares him or herself to be a transsexual is to be offered the appropriate level of care and support whilst he or she considers, or pursues, gender reassignment.

5. It should be noted that gender identity and sexual orientation are two distinctly different issues and they should not be confused. Nor should transsexualism be confused with cross-dressing. (See Annex A, Glossary of Terms). Cross-dressing is far more common than Transsexualism and a Service person who cross-dresses in private life is unlikely to undergo gender reassignment. It is not appropriate to treat a transsexual person at any time as belonging to a “third gender”.

6. The process of adopting the opposite gender role is generally known as “transition” and is often accompanied by treatment that may include counselling, hormone therapy, reconstructive surgery and cosmetic treatment (such as electrolysis for hair removal). Some people elect not to undergo any form of medical treatment and simply live their life in their new gender role.

7. Terminology. A comprehensive glossary of relevant terminology is at Annex A. It should be noted that once a person has begun the process of transitioning he or she should be addressed using the personal pronouns (he, she, hers, his, etc) appropriate to the gender towards which he or she is transitioning. The continued deliberate use of pronouns relating to the previous gender identity might be construed as sexual harassment.

LEGAL OVERVIEW

8. The following paragraphs provide a brief overview of relevant legislation. It is not intended to be authoritative legal advice. Single Service legal advisers should be consulted for advice on specific cases.

9. The Sex Discrimination Act 1975 (SDA 75). The SDA outlaws any form of discrimination on the grounds of an individual’s gender. The Armed Forces have an exemption from the Act in respect of actions taken for the purpose of ensuring combat effectiveness but otherwise must comply with the Act’s provisions.

10. The SDA was extended by the Sex Discrimination (Gender Reassignment) Regulations 1999 to outlaw discrimination against transsexual people in the workplace, making it unlawful for an employer to discriminate against someone on the ground that he or she has undergone, is undergoing or intends to undergo gender reassignment, unless being of a particular gender is a genuine occupational qualification for a particular job or one of a limited number of genuine occupational qualifications which apply during the reassignment process is applicable.
11. **The Gender Recognition Act 2004 (GRA 2004).** The GRA 2004 provides transsexual people with legal recognition in their “acquired” gender. Legal recognition follows from the issue of a full Gender Recognition Certificate (GRC) in cases where the Gender Recognition Panel (GRP) (a body made up of judicially trained lawyers and doctors) is satisfied that the applicant has, or has had, gender dysphoria; has lived in the acquired gender throughout the preceding two years; and intends to continue to live in the acquired gender until death. An applicant for a GRC must also prove that he or she is 18 years old or more. It should be noted that medical treatment is not a requirement for the issue of a GRC. There are many implications for an individual who receives official recognition in his or her new gender. Individuals should therefore be advised to read the guidance produced by the GRP which will help them make informed decisions about whether they wish to apply for gender recognition. (Contact details for the GRP are at Annex E)

There is no requirement for a transsexual Serviceperson to acquire a GRC. Transsexual personnel who choose not to apply for a GRC (or who are unable to qualify for a GRC) should be treated the same as an individual who does have a GRC with regard to protection from discrimination.

12. **Payment of fees for applying to the GRP for a GRC.** When the GRP carries out work connected with an application for a GRC the applicant may have to pay a one-off fee. Service personnel applying for a GRC are responsible for paying any fee themselves. The maximum fee for applying for a GRC is currently £140. By law, certain applicants are eligible for a reduced fee or are exempt from paying altogether. Further details on the rules relating to the payment of a fee for a GRC are available from the GRP.

13. **Effect of acquiring a GRC on marriage or a civil partnership.** An applicant for a GRC needs to be unmarried for a “full”, rather than an interim, certificate to be issued. This is because marriage is not permitted between two members of the same legally-recognised gender. This means that a married transsexual person’s marriage must: end before he or she applies for a GRC; or end after an interim GRC has been issued; or end (with, perhaps, a child custody order and a maintenance order) but then be continued as a civil partnership once a GRC is issued. If the Service person does not get a GRC the marriage will continue to be valid. A transsexual person must not be in a UK civil partnership to receive a full GRC as a civil partnership may only be formed between people of the same gender in law.

14. **Legal recognition has the effect that, for example, a male-to-female transsexual person is recognised as a woman for all purposes in law. Upon the issue of a full GRC, the person assumes all legal rights of their new gender, including the right to marry someone of the opposite gender to their acquired gender, or to form a civil partnership with someone of the same gender, and to retire and receive state pension at the age appropriate to the acquired gender.**

15. **The annulment or dissolution process.** If an applicant for a GRC satisfies all the criteria for legal recognition but remains married he or she will receive an interim GRC. This may be used as evidence if either member of
the couple chooses to end their marriage on the basis that an interim GRC has been issued to a party to the marriage. In England, Wales and Northern Ireland the marriage may be annulled on this ground. In Scotland, a decree of divorce may be granted on this ground. Divorce proceedings must commence within six months of the date of issue of the interim GRC certificate. Further information about annulment or dissolution is available from the GRP.

16. Civil Partnerships. Couples who have ended their marriage in order for one partner to gain recognition in the acquired gender are able to register as civil partners of each other, under the Civil Partnership Act 2004 and thereby regain legal status for their relationship. Individuals who wish to enter into a Civil Partnership and who are successful in their application for a GRC are able to take advantage of a streamlined process whereby they can dissolve their marriage and register a Civil Partnership on the same day. The same process is available for people who form Civil Partnerships and subsequently transition. This allows them to transfer to marriage using a similar process.

17. If an individual has children, legal recognition in his or her acquired gender will not affect their legal status as the father or mother of the child or children. The individual’s rights and responsibilities as a parent will be unaffected and the birth certificate(s) of the child or children will not be altered. As part of the annulment or dissolution process of the marriage a statement of the arrangements being made for the children after the marriage has been annulled should be included with the petition.

18. Birth Certificate. Birth certificates are legal documents and an individual may be required to produce one for a number of reasons. However, prior to legal recognition, a transsexual person’s birth certificate states the original gender. For individuals whose application for a GRC is successful and whose birth was registered in the United Kingdom, the GRP will notify the relevant Registrar General of the issue of a full GRC.

19. The Registrar General will write to the individual and, where possible, will offer him or her options for the type of birth certificate available in the acquired gender. The Registrar General will also send the individual a draft of the information to be recorded. On receipt of a full GRC the Registrar General will send the individual a draft of the information to be recorded in the GRC to clarify what the entry will look like and to resolve any queries before the registration goes ahead. The draft will contain all the details about date and place of birth and parentage that are included in the original birth record, together with the individual’s new name (or, if preferred the birth surname where this is different from the surname on the GRC) and the acquired gender as notified by the GRP.

20. If the individual’s birth was registered in England or Wales prior to 1 April 1969, he or she will be sent two drafts, one in the pre-1969 landscape format (no surname) and one in the post-1969 portrait format. Guidance is provided to help the individual to decide which format to choose. Individuals
who choose the post-1969 portrait format will be asked to provide additional details for registration. The same will apply for Northern Ireland birth certificates issued before and after 1973, when the format changed. If the birth was registered in Scotland, the format of the certificate will match that of the original birth certificate, except that it will show the individual’s new name and acquired gender.

21. On receipt of confirmation that the draft certificate is correct, together with any additional registration details provided by the individual, the Registrar General will create a new record in the Gender Recognition Register (GRR). The purpose of the GRR is simply to create a new record from which the Registrar General may produce a birth certificate. It is not intended as a record of all known transsexual people, nor does it record address details or any information which could be used to locate an individual. The GRR is not open to search by the public. One free copy of the short birth certificate will be sent to the individual. Any additional full birth certificates will need to be purchased by the individual at their own cost. The original birth certificate will however still exist and the individual will be able to obtain original birth certificates at any time.

22. Right to privacy – prohibition of disclosure of “Protected Information”. Section 22 of the Gender Recognition Act establishes a right to privacy for the transsexual person in that it is a criminal offence for a person to disclose information that he or she has acquired in an official capacity about an individual’s application for a GRC or about the gender history of an applicant. It is important to note that the liability under section 22 is a personal liability and it is a criminal offence. If someone is convicted of this offence they could be subjected to a fine of up to £5,000 and would incur a criminal record. Such information is “protected information”. The term “official capacity” includes functions such as a member of the Armed Forces, the Civil Service, a constable, an employer or prospective employer, or a person acting in the course of business or the supply of professional services.

23. Once a transsexual person has a GRC, if someone whose duties gave access to that person’s personal data disclosed that the person was born a different gender to the one in which they now live, an offence would be committed, subject to various exemptions, some of which are listed below. Section 22(4)(b) of the Act permits disclosure where the individual “has agreed to disclosure of the information” and, if such consent is forthcoming, can be used for HR purposes. Under section 22(4)(c) of the Act the prohibition on disclosure only extends to those people who know or believe that a GRC has been issued. However, if the holder of a GRC chooses to inform his or her respective Service Personnel Centre (SPC) that a GRC is held, apart from the specified exceptions set out below, an offence would be committed if the SPC disclosed the individual’s gender history without his or her specific consent. It should be noted that the holder of a GRC is not obliged to inform their employer that one is held.
24. **Exceptions to the prohibition of disclosure of information.** The Gender Recognition Act contains a series of exceptions in section 22(4) that allow “protected information” to be disclosed for valid public policy reasons. A right to privacy does not mean absolute secrecy. There may be some situations in which a transsexual person will be required by law or necessity to prove a link between their current legal gender and their former one. There are also certain circumstances where disclosure of protected information does not constitute an offence. These include: disclosure for the purposes of prevention or investigation of crime; for the purposes of processing a claim for pensions and benefits; for religious purposes, e.g., whether it is permissible to officiate at or permit the marriage of the person to whom the information relates; for medical purposes in an emergency; disclosure by or on behalf of a credit reference agency; and disclosure for purposes in relation to insolvency or bankruptcy. In addition, it is not an offence to disclose “protected information” where it does not enable the person to be identified or where the individual to whom the information relates consents to the disclosure.

25. **The Data Protection Act (DPA) (1998).** Section 1 of the DPA defines “personal data”, to which this act applies. Any personal data that relates to transsexualism and gender reassignment is “sensitive personal data.” Under the DPA there are specific requirements attached to the recording, management and disclosure of sensitive personal data. In cases of doubt, further information and advice about the DPA should be sought from DG Info-AccessPol8 on telephone number 020 721 80509 (Mil Tel 9621 80509).

26. **Freedom of Information Requests.** Requests for Information made under the Freedom of Information Act 2000 (FOIA 2000) seeking information about an individual’s gender history should be handled with care in order to avoid the inadvertent disclosure of protected information. Where an application is made under the FOIA 2000 for information that is “protected information” under the Gender Recognition Act, that information will be exempt from disclosure under section 44(1)(a) of FOIA in that the disclosure is prohibited by another law. The duty to confirm or deny under FOIA is excluded if compliance with that duty would involve disclosing protected information. The exemption at section 40 of FOIA may also apply, if the information requested is not prohibited under the GRA, but does fall within the definition of personal data under the DPA. Further advice about the FOIA is available from DG Info-AcessPol 8 (see 25 para above).

27. Requests for information on how many individuals serving in the Armed Forces have undergone or are undergoing gender reassignment should be answered with statistical data only. This means that the number of individuals should be rounded to the nearest 10 prior to release and no names or any other personal information should be disclosed.

28. **Criminal Records Bureau (CRB) Checks.** Special procedures apply for transsexual personnel who are required to go through the CRB checking process. Details of these procedures are available from designated points of contact at CRB Liverpool, Disclosure Scotland and Access NI. The points of contact are:
29. When a transsexual Serviceperson receives the forms for CRB checking he or she should contact the designated person in the relevant organisation (see above) and inform them of the application in advance of the form being sent. This enables a “flag” to be raised so that when the application form is received by CRB, Disclosure Scotland or AccessNI it is diverted to the designated specialist for processing. The CRB form should be completed using the individual’s current name rather than any previous identity and once the ID check has been completed the form should be processed in the usual way. The DVA will forward it to the relevant CRB organisation, where it will be dealt with by the designated specialist.

30. The Equality Act 2006 and Gender Equality Duty. The Equality Act amends the SDA 1975 with effect from 6 April 2007 to place a statutory duty on all public authorities, when carrying out their functions to have due regard to the need:

a. to eliminate unlawful discrimination and harassment;

b. to promote equality of opportunity between men and women.

The Gender Equality Duty includes a duty to pay due regard to the elimination of discrimination and harassment of transsexual personnel.
31. **Section 19 of the GRA 2004 - exemptions concerning participation in competitive sport.** Section 19 of the GRA 2004 relates to sport. The Act does not require persons responsible for regulating participation of competitors in sporting events to permit transsexual people to compete in their acquired gender in all circumstances. In certain circumstances transsexual people may be restricted or prohibited from doing so to ensure fair competition or the safety of other competitors. This exemption only covers those participating in the sport as competitors and cannot be applied to people participating as non-competitors such as referees or line judges. Similarly, the exemption cannot be applied to those involved in or connected with the sport such as managers, coaches, spectators, supporters, or sports-ground staff.

32. Service clubs or organisations that organise, or are involved with, competitive sporting events should be aware of and follow the relevant sports national governing body policy on competition and consider whether it is necessary to exclude a transsexual person from competitive events on the basis of fair competition or safety. Further guidance for sporting bodies on transsexual people and sport has been promulgated by the Sports Division of the Department for Culture, Media and Sport (DCMS). Details are available from [www.uksport.gov.uk](http://www.uksport.gov.uk).

33. **Discrimination and harassment on the grounds of gender reassignment.** Discrimination on the grounds of gender reassignment is defined in terms of comparative treatment of the transsexual person and that of “other persons” for whom gender reassignment grounds do not exist. This means treating a transsexual person less favourably than you treat (or would treat) someone else who is not undergoing gender reassignment (or contemplating it, etc). Harassment of an individual on the grounds of gender reassignment, either by their line management or by other Service personnel, is a form of unlawful discrimination. Such discrimination should be dealt with in the same way as harassment against any other Service person, for example on the basis of their sex or race. It is MoD policy that it is the right of each and every member of the Armed Forces to work in an environment which is free from harassment, intimidation and bullying and to expect to be treated with dignity and respect. Details of how to make, respond to and deal with complaints of harassment are set out in JSP 763, the MOD Harassment Complaints Procedure.

34. Some examples of discrimination on the grounds of gender reassignment may include:

   a. Refusing to associate with or ignoring someone because they are transsexual;

   b. Refusing to address the person in their acquired gender or to use their new name;

   c. Probing into the person’s private life and relationships;
d. Spreading malicious gossip about that person;

e. Failing to maintain confidentiality of information about a person’s transsexual status;

f. Indefinite refusal to allow use of sanitary facilities appropriate to their acquired gender after a reasonable transition period;

g. Treating that person less favourably than others in regard to sickness or other absences.

h. Refusing to let people participate in sport with members of their acquired gender, subject to the guidance in paras 31 and 32.

35. **Roles closed to women.** A male to female transsexual person who is undergoing, or has undergone, transition will be debarred from joining or continuing in roles in the Armed Forces which are closed to women. The roles are: the Royal Marines General Service (as Royal Marine Commandos); the Submarine Service; the Diving branch; the Household Cavalry and Royal Armoured Corps; the Infantry and the Royal Air Force Regiment. This is in line with the general policy on women in the Armed Forces. A female-to-male transsexual person will not be debarred from joining these specialisations, subject to fulfilling the physical entry requirements.

36. **Leaving the Services on the grounds of Transsexualism.** There is no automatic right to leave the Armed Forces on the grounds of being a transsexual person. A transsexual person who no longer wishes to serve in the Armed Forces should apply for discharge in accordance with normal procedures.

**APPLICATIONS TO JOIN THE ARMED FORCES FROM TRANSSEXUAL PEOPLE**

37. Potential recruits may reveal that they are transsexual or be found to be undergoing, or to have completed treatment, at the initial medical examination. Applications to join the Armed Forces from transsexual people should be processed in the same way as any other application. It would be unlawful to reject an applicant on the grounds that he or she is a transsexual person. Transsexual people wishing to join the Armed Forces have to fulfil and achieve the same physical and mental entry requirements as any other eligible applicant. All applications should be dealt with on a case by case basis and each must be assessed on its own merit. Detailed guidance on recruitment medical standards and grading of transsexual candidates for recruitment is contained in JSP 346\(^1\). Following medical assessment a decision is to be made on the candidate’s medical suitability to join the Armed Forces based on the guidance set out in JSP 346 and the single Services’ own medical standards for entry.

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\(^1\) PULHHEEMS: A Joint Service System of Medical Classification
38. **Requirement for confidentiality to protect information disclosed on applications/during interviews.** A potential recruit who has changed gender identity before applying to join the Armed Forces is under no obligation to inform the recruiting department dealing with their application of their gender history. Care should be taken to ensure that information contained in references from schools or colleges attended, previous employers or evidence of educational qualifications which discloses a previous name and gender identity is handled as “protected information”. (See paragraphs 22 and 23).

**MEDICAL ASSESSMENT OF TRANSSEXUAL APPLICANTS**

39. **Medical grading of applicants who have completed transition and are living in their acquired gender.** Transsexual applicants who have completed transition (and, where appropriate, have been stabilised on hormone medication and fully recovered from surgery) may be graded P2, subject to fulfilling the normal medical standards according to the individual’s legal gender.

40. **Psychiatric assessment of applicants.** As part of the screening process of applicants wishing to join the Armed Forces, all applicants are asked if they have a history of mental health problems or deliberate self-harm. Although transsexual people generally may have an increased risk of suicide, depression and self-harm, transsexual applicants should not automatically be referred to a Service Psychiatrist. The decision to refer a transsexual applicant for psychiatric assessment should be left to the single Service consultant responsible for recruitment and should be based on an assessment of whether the individual meets the guidelines relating to fitness to join the Armed Forces set out in JSP 346 and single Service medical standards for entry. Transsexual applicants with no history of mental health problems or deliberate self-harm who meet other fitness standards should be passed as being fit to join the Armed Forces.

41. **Medical grading of applicants who are in the transition phase.** Transition is often very challenging and transsexual people undergoing a long and difficult transition may feel isolated and distressed. For this reason recruitment into the Armed Forces and initial training may not be compatible with the supportive environment that is essential for transsexual people at this time. However, a transsexual person in gender transition may only need support for a comparatively short time before being able to resume a self-sufficient life. Applicants for recruitment who are not undergoing surgery or receiving hormonal treatment may be suitable for recruitment, subject to meeting the fitness standards required to join the Armed Forces.

42. **Medical grading of applicants who are undergoing hormone therapy.** Applicants who are receiving hormonal treatment may be graded P2 providing the dose of medication is stable, there are no significant side effects and the medication regime and its monitoring do not preclude world-wide deployment. (World-wide deployment may not be possible as some
medications have specific storage requirements which may be affected by deployment to cold or hot environments). In the very early stages of hormone treatment, it may be necessary to grade the individual P8 until treatment is stabilised, as with any other condition that is being treated or requires surgery at the time of application to join the Armed Forces.

43. **Medical grading of applicants who are undergoing surgical treatment.** Applicants who are about to undergo, or are still recovering from surgery to change the external appearance of their body into that of the acquired gender should be graded P8, as with any other condition that is being treated or requires surgery at the time of application, until they are fully recovered from the surgery.

**MEDICAL GRADING OF SERVING TRANSSEXUAL PERSONNEL**

44. **Initial actions for serving personnel wishing to undergo gender transition.** As already stated at para 3 above, transsexualism is a medical condition and a serving Service person who gives notification of wishing to undergo gender transition to the Chain of Command should be referred to their Medical Officer for an initial clinical assessment and onward referral as appropriate. Following clinical assessment and confirmation of gender dysphoria, future actions should be discussed between the relevant medical authorities (with the individual's full and informed consent), personnel management staffs and the chain of command. Each case should be considered on its own merits. The placing of a transsexual person into a reduced Medical Employment Standard (MES) (which may particularly become necessary when drug or surgical treatment is started or in progress) may restrict his or her postings within the Service and some form of assignment restriction may be necessary. It would however be unlawful to restrict assignment of an individual purely on the grounds of transsexualism. The transsexual person does not lose the right to stay with his or her existing unit if he or she wishes to remain (subject to the exception set out in paragraph 35 relating to roles closed to women and any medical considerations).

45. Once a diagnosis of gender dysphoria has been confirmed by a psychiatrist or psychologist, it will be necessary to allocate a Medical Category appropriate to the stage of transition and the treatment being undertaken, commensurate with safety considerations for the individual. Downgrading to P7, UK only, no sea service may be required to protect the individual from deployment or posting away from sources of support and treatment and to ensure availability to attend appointments. However, downgrading may not be required in all cases, especially where the individual elects not to undergo gender reassignment surgery.

46. The proposed medical grading should be discussed with the individual by medical staff in order to ensure that they understand the process of medical grading, and the reasons for it, and that they have no concerns about it.
47. **Medical grading of serving transsexual personnel not wishing to undergo treatment with hormones or surgery.** Serving personnel with gender dysphoria who do not wish to undergo hormone treatment or surgery may remain P2 unless the opinion of a Service psychiatrist, occupational physician or psychologist advises otherwise.

48. **Medical grading of serving transsexual personnel who undergo hormone treatment or surgery.** Serving personnel with gender dysphoria who choose to undergo hormone treatment or surgery will require medical downgrading (probably P7, UK only, no sea service) until the hormone treatment is stabilised or until the treatment no longer precludes deployment overseas and/or the recovery from surgery is completed. Deployment overseas may be precluded as some medications prescribed to transsexual people have specific storage requirements which may not be available in cold or hot environments.

49. **Medical grading of Service personnel who have completed transition and who are living in their acquired gender.** Transsexual Service personnel who have completed transition (and where appropriate have been stabilised on hormone medication and have fully recovered from surgery) may be graded P2, subject to fulfilling normal medical standards according to their legal gender.

50. **Service personnel who retain a reduced MES for a significant period of time may need to be permanently graded or invalided.** Permanent grading will be undertaken in accordance with single Service medical boarding procedures. A decision to recommend medical discharge (P8) should normally only be made by a consultant in occupational medicine, in accordance with HM Treasury recommendations on ill-health retirement. Transsexual personnel are treated no differently in this respect.

51. **Cost of treatment associated with hormone therapy and/or surgery.** Medication (e.g., hormonal treatment) prescribed by a Service or MOD doctor is paid for from the MOD budget, in the same way as for any other medical condition. The cost of some surgical and other specialist treatment for transsexual personnel is provided by the National Health Service (NHS), however corrective surgery is normally provided privately at the individual’s expense. This is no different to any other medical condition.

52. **Male to female transsexual people in roles closed to women.** In the case of a male to female transsexual person, once the transition process starts she will no longer be able to serve in roles which are closed to women (see paragraph 35). Legal advice should be sought before any decision to transfer the individual to another post is made, especially if no suitable post can be found for her, requiring her to be discharged from the Service.

**FITNESS TESTING AND TRANSSEXUAL PERSONNEL**
53. Physical fitness is a fundamental requirement for all members of the Armed Forces and personnel are required to take fitness tests at regular intervals to meet both single-Service ‘general fitness’ requirements and, for some trades and arms, physical tests specific to that post. Where the test is set to measure fitness for a specific task, trade or arm the standard set will be absolute. This requires all personnel in that trade or arm to be able to pass the test at a single standard irrespective of age or gender. In this instance all personnel whether male, female or transgender will have to pass this single standard to remain eligible for service in that trade or arm.

54. Conversely, tests of ‘general fitness’ are there to ensure that individuals have the physical fitness attributes to cope with general non-specific physical demands such as prolonged working, stressful situations and arduous environments. The ability to cope with these situations is enhanced by undertaking regular physical exercise and thus ‘general fitness’ tests standards are set to both encourage and measure an individual’s adherence to regular physical exercise. To account for physiological differences in absolute fitness standards between males and females, tests of ‘general fitness’ must, and do, set appropriate standards relative to the gender (and age) of those taking the test.

55. The point at which an individual is considered to have completed gender transition may vary from individual to individual, depending on medical treatment and other factors, thus each case should be considered on an individual basis. While there is an expectation that, in principle, transsexual personnel will meet the ‘general fitness’ standards of their acquired gender once transition has been completed there may, on rare occasions, be female to male transsexual personnel who cannot achieve the ‘male’ standard in a ‘general fitness’ test. A female to male Serviceperson who is unable to pass the required fitness test (of their acquired gender) should be referred for a medical assessment. In these circumstances it would be entirely consistent with the rationale for setting ‘general fitness’ standards for an appropriate standard to be applied to such individuals on a case by case basis.

56. One potential consequence of repeated failure to achieve the single-Service ‘general fitness’ standard is administrative discharge. There is nothing in this guidance on transgender fitness testing that alters this and thus, once an appropriate standard has been agreed, failure to attain it should result in the same sanction as would be applied to any other Service person.

THE PROCESS OF GENDER REASSIGNMENT OR TRANSITION

57. The term gender reassignment or transition refers to the process that a person goes through to present themselves permanently in their acquired gender. This usually includes a regime of specialist psychiatric evaluation, hormone treatment, real-life experiences and sometimes reconstructive surgery. The following table sets out the 5 stages in the process of changing gender through which transsexual personnel generally go, although it must be stressed that they will not all wish, or be able, to go through any, or all 5,
stages. An individual’s MES should be reviewed at every stage of the reassignment process.

<table>
<thead>
<tr>
<th>Gender Realisation</th>
<th>The individual realises that he or she is a transsexual person and will be medically diagnosed as such.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Reassignment (Transition)</td>
<td>The individual dresses and lives in their new gender role and is treated as being of the gender with which they identify. The individual is required to live and work in their new gender role for a period of one year prior to any irreversible surgical intervention.</td>
</tr>
<tr>
<td>Medical Treatment/Hormonal Reassignment</td>
<td>Medical treatment may include counselling and psychotherapy, hormones and anti-androgens, electrolysis and speech therapy. Hormone treatment is taken to change, gradually, the individual’s body shape, appearance and behaviour. Hormone therapy is normally required for the rest of the individual’s life.</td>
</tr>
<tr>
<td>Surgical Reassignment</td>
<td>The individual undergoes surgery and acquires physical characteristics appropriate to the acquired gender. Surgical treatment may include: genital surgery, breast augmentation or removal, re-shaping of the waist, plastic surgery to the nose and facial bones, reduction of the external appearance of larynx and modification of the vocal chords. Surgical procedures may be carried out over a number of years.</td>
</tr>
<tr>
<td>Post Operative</td>
<td>The individual returns to a normal routine in his or her new identity.</td>
</tr>
</tbody>
</table>

58. As the transition process from initial diagnosis of gender dysphoria to surgical reassignment is lengthy (possibly up to 3 years), careful and sensitive management of the individual's assignment and domestic and accommodation requirements will be needed.

59. **Agreement of transition programme.** To assist a transsexual person to complete his or her transition successfully it is useful for the individual to agree with their line management and other Service authorities an action plan for managing the process of transition. It is important to remember that the precise content and timescale for this process will be different in each individual case and could vary significantly and will depend on the circumstances of the individual. Key elements of the process include:

   a. whether the individual wishes to stay in their current post or be assigned, although assignment will not be automatic, unless the
individual fails to meet the medical standard of the post or roles closed to women;

b. the expected timescale of the medical and surgical procedures;

c. the amount of time off required for medical appointments, treatments and surgical procedures;

d. the expected point or phase of change of name, personal details and social gender;

e. whether the individual wishes to inform their Line Manager and colleagues personally, or would prefer this to be done for them, and whether training or briefing of colleagues will be necessary;

f. what amendments will need to be made to records and systems;

g. agreeing a procedure for changing to the uniform of the acquired gender;

h. make arrangements for the individual to be moved to accommodation appropriate to his or her acquired gender;

j. an undertaking that details of the action plan and notes of any discussions or meetings should be kept strictly confidential.

60. A table setting out an example of a transition programme is at Annex B. It should be noted that each case will differ, depending on the circumstances and preferences of the individual involved. In addition to the need for sensitive management of the individual, the interests of the Service also need to be considered at an early stage. Early notification by the transitioning individual will help the Career Manager, the individual’s Unit and any other individuals who may be affected to ensure that reduction in Operational Capability is minimised. Normally, a minimum of four weeks’ notice will need to be given prior to the start of transition to enable the necessary administrative arrangements to be made/agreed.

61. **Informing colleagues.** Agreement between line management and the individual is imperative before communication and disclosure of the impending gender identity transition. How this is done depends not only on the individual’s wishes but also on the size and structure of the unit or organisation where the individual is serving. In a small unit informing all personnel together may be the best approach. In a large unit or organisation it may be unnecessary to inform colleagues who have no direct contact with the individual. Sufficient detail should be provided to explain the facts in an appropriate manner and at a suitable level, without going into unnecessary personal or graphic detail.

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²See paragraph 35.
62. Units/organisations must manage the disclosure of information about an individual’s transition carefully and sensitively to prevent sexual harassment or discrimination occurring. At the same time, care should be taken to ensure, as far as possible, that the individual’s colleagues do not avoid contact with him or her because of concerns about saying the wrong thing. This can result in the individual feeling isolated. Education and awareness-raising are key here. Commanding Officers who have transsexual personnel within their units should seek advice from the relevant single Service Equality and Diversity staffs as early as possible about their management. The individual’s right to privacy and the requirement for confidentiality should be clearly explained to peers and colleagues. Personnel should be informed that they have a personal liability under section 22 of the GRA not to disclose information obtained in an official capacity. (See paras 22 and 23).

**ADMINISTRATIVE PROCEDURES – ACTIONS REQUIRED**

63. **Change of Name.** This is done by Statutory Declaration and lodged with a civilian solicitor. A copy of the declaration is to accompany all applications to change records. All military records and documentation should use the new name from the date of the declaration. (A specimen name change proforma is at Annex C).

64. **Civilian Records.** The civilian records that will need to be changed to reflect the new name and gender status are listed below. Each application must be accompanied by a copy of the Change of Name statutory declaration/Deed Poll. It is the responsibility of the individual to ensure that the changes to the following civilian records are made on JPA/disclosed to personnel management authorities:

   a. Tax code;
   b. National Insurance card;
   c. Passport;
   d. National Health Card Number;
   e. Bank details.
   f. Driving Licence
   g. European Health Insurance Card (EHIC)

65. **Service records and details.** The name on the Service records listed below is to be amended. All relevant data is to be transferred to the individual’s new record:

   a. Identity card;
b. Medical records;
c. Dental records;
d. Personal clothing record;
e. Internal records such as Personal file, JPA records, personal vehicle passes and other locally issued documentation;
f. Identity discs;
g. Railcard or coachcard;
h. Any other in-theatre documentation issued such as vehicle registration documents, ration cards, etc.

66. **Change of Service/Employee Numbers.** A transsexual person who has a gender-specific Service Number on JPA, which could identify him or her as having been originally of a different gender, may request a new gender free JPA Employee Number. Whilst it is assumed that personnel with gender-specific Service Numbers will wish to change to a gender-free JPA Employee Number, it is not mandatory to do so. A specific Business Process Guide on the process of changing a Service legacy number can be found on the SPVA JPA website. The Career Manager (CM) is to brief the individual on the administrative procedure that needs to be carried out to achieve a change and the effects it may have (it should be noted, for example, that the complete existing JPA record will need to be closed down and a new one created). Personnel should then decide and confirm with the CM whether they do, or do not, wish to change the number.

67. To preserve the individual’s privacy the gender-specific legacy Service Number will not be held in the new record nor electronically linked by JPA Oracle to the new record with a JPA Employee Number. SPVA will however need to access the terminated record in order to make calculations on, for example, reckonable service and pensions.

68. **Issue of uniform relevant to the acquired gender.** Every effort should be made to ensure that the issue of new uniform relevant to a transsexual person’s acquired gender is done in a single issue, especially for items of gender-specific kit. This avoids causing embarrassment or anxiety to the individual if repeated visits to uniform clothing stores are required. Arrangements and entitlements for the issue of uniform clothing to transsexual personnel are contained in the respective single-Service uniform regulations.

69. **Medal replacement and inscription policy for transsexual Service personnel who change their name and/or Service Number.** The Policy on the provision of replacement medals and inscription of medals for transsexual
Service personnel is set out in Annex D to Chapter 1 of JSP 761. Serving transsexual members of the Armed Forces wishing to have their medals re-issued with their revised details should apply in writing to the MOD Medal Office, marking the envelope “Personal for the Officer in Charge”, sending back their original medals and providing details of their new surname, initials and Service or Employee Number. Re-issued medals will be inscribed with the updated name, initials and Service or Employee Number, but will retain the rate or rank held by the individual at the time that the medal was originally awarded. Medals issued under these circumstances will not be marked “Replacement” and may be provided at public expense.

70. **Wearing of qualification badges.** Transsexual personnel who were entitled to wear qualification badges earned in their previous gender may continue to do so in their new gender if they so wish. They should however bear in mind that this may identify them as having previously been of a different gender.

71. **Notifying the Defence Vetting Agency (DVA).** The DVA is to be notified of a change of gender and name by the completion of MoD Form 1126, Change of Personal Circumstances Notification.

**ARREST, LEGAL CUSTODY AND SEARCHING OF TRANSSEXUAL PERSONNEL**

72. A transsexual Service person who is undergoing, or has undergone, transition should be treated according to their acquired gender if they are arrested, taken into legal custody or there is a requirement for them to be searched. If transition has not begun the individual should be treated as their birth gender. In cases where there is any question about the detained person’s gender the individual should be asked in which gender they wish to be addressed.

73. **Detention in Custody.** While in custody a detained person may be placed in a cell or other secure room. Because of the potential vulnerability of transsexual personnel it is recommended that they should be detained in a cell on their own.

74. Any search involving the removal of garments other than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing gender identity, may only be made by a police officer of the same gender as the acquired gender of the person being searched and may not be made in the presence of anyone of the opposite gender unless the person being searched specifically requests it. Particular sensitivity is required when searching someone who is in the transitional phase of gender re-assignment. At this time the individual will be presenting in their acquired gender and they will feel that they are a person of that gender. The views of all parties to the search should be fully taken into account before reaching any decision on who should conduct the search. The custody records should reflect all the actions taken by custody staff to comply with the detainee’s requests.

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3 Honours and Awards
75. If a person of the requested gender to conduct the search is not available, or is available but does not wish to carry out the search, and there is no other member of custody staff available to conduct the search, this must be fully recorded on the custody records.

76. Where a detainee has been granted a GRC they must, in every respect, be treated as a person of the acquired gender recognised by the Gender Recognition Panel. To do otherwise would be unlawful.

77. **Compulsory drug testing (CDT) procedures.** Tri-Service CDT procedures involving transsexual personnel are detailed in the Armed Forces Compulsory Drug Testing Team’s SOP 141. Advice should be sought from the respective single-Service CDT team and/or single-Service Equality and Diversity Policy staff in the first instance.

**ACCOMMODATION**

78. **Single Living Accommodation (SLA).** The rules for transsexual personnel should be no different to those that apply to the gender group to which the transsexual person intends to transition and that apply to all individuals who live within SLA. The same applies to the use of ablutions. The following guidelines should be used.

79. Prior to social reassignment the individual should remain in his or her current living accommodation. Once social reassignment is planned and the process starts, the transsexual person should usually be accommodated in the accommodation of the gender to which he or she intends to transition. When the social reassignment stage has been reached (ie when the individual starts to dress and present in the clothes of their acquired gender) it will usually be appropriate for the transsexual person to use the toilet facilities of his or her acquired gender. Under no circumstances should a transsexual person be expected, after transitioning, to use the facilities of their former gender. It is unlawful to treat a transsexual person as though they are neither male nor female and to insist on him or her using separate facilities, such as an accessible toilet for disabled people, on a permanent basis. Each case should be individually managed in consultation between the individual, chain of command and medical officers.

80. **Service Family Accommodation (SFA).** Transsexual Servicemen or women who are married or in a civil partnership are therefore in PStatCat1 and retain their entitlement to SFA. However, if transsexual Servicemen or women who occupied SFA in PStatCat1 separate/divorce from their spouse or civil partner, they must vacate it within the timescale set out in JSP 464 (Tri-Service Accommodation Regulations), in the same way as any other Service person who is married or in a civil partnership. If the individual is in PStatCat2 (has parental responsibility for any children within the terms of the Children Act 1989) they will retain entitlement to SFA, or if they are PStatCat 3/4 then they retain eligibility for surplus SFA, in accordance with JSP 464.
MEDIA HANDLING

81. Instances of gender reassignment can in themselves attract attention from national and local press and when it relates to a member of the Armed Forces that interest can be intensified. If there is media interest in individual cases the rules governing contact with the Media and Communicating in Public, as set out in DIN 2008DIN03-020 should be adhered to. Early contact should also be made with the relevant single-Service Equality and Diversity Policy staff.

FURTHER INFORMATION

82. A list of support groups for transsexual people and sources of information is at Annex E.

DIVERSITY IMPACT ASSESSMENT

83. This policy does not discriminate on grounds of race, ethnic origin, religion, belief, sexual orientation or social background. Neither does it discriminate on grounds of gender, disability or age, insofar as the legislation applies to the Armed Forces. The Diversity Impact Assessment is held by the “Recruitment and Management of Transsexual Service Personnel in the Armed Forces” Policy sponsor.
ANNEX A

GLOSSARY OF TERMS

**Acquired Gender**
Acquired Gender refers to the gender of a person who is in the process of getting, or has actually had their gender reassigned and/or legally recognised. This is not the gender that they were registered in at birth, but it is the gender in which they should be treated. It is possible for an individual to transition fully without medical treatment or surgical intervention.

**Attributed Gender**
The gender that a person is taken to be by others. This is usually an immediate, unconscious categorisation of a person as being a man or woman, irrespective of their mode of dress.

**Bisexuality**
Is where sexual attraction is to individuals of either or both genders. Bisexuality should not be confused with gender dysphoria.

**Cross-Dressing**
Is the desire to adopt the clothes, appearance and behaviour normally associated with the opposite gender. This may be simple “dressing up” or “Dual Role Cross Dressing”, which is the need to adopt the opposite role as fully as possible on a temporary or full-time basis. People who cross-dress in this way are sometimes known as “Transgenderists”. It should not be assumed that people who cross-dress are either gay or transsexual.

**FTM**
A female to male transsexual person. A person who is changing, or has changed, gender role from female to male.

**Gender**
The overwhelming majority of people have a gender that accords with their anatomical sexual presentation. Gender consists of two related aspects: gender identity, which is a person’s internal perception and experience of their gender; and gender role, which is the way that the person lives in society and interacts with others, based on their gender identity.

Gender is less clearly defined than anatomical sexual presentation, and does not necessarily represent a simple “one or the other” choice. Some people have a gender identity that is neither clearly female nor clearly male.

For the purpose of the law, people can only be male or female.

**Gender Dysphoria**
Gender dysphoria or gender identity disorder are the medical terms for the condition where a person who has been assigned one gender (usually at birth on the basis of their sex), identifies as belonging to another gender. It is a psychiatric term for what is often called transsexuality. A person with gender dysphoria may feel that they have a gender identity that is different from their anatomical sexual presentation. As a result, they may experience anxiety, uncertainty, or persistently uncomfortable feelings about their birth gender. Gender dysphoria should not be confused with sexual orientation.
Gender Identity  A person’s own psychological identification as male or female.

Gender Identity Disorder  Another term for gender dysphoria or transsexualism.  (See above)

Gender Reassignment /Transitioning  A complex process which is undertaken over a long period of time under medical supervision for the purpose of reassigning a person’s gender by changing physiological or other characteristics in relation to the acquired gender.  This may include counselling, hormone treatment and (although not always) surgery involving, inter alia, chest and/or genital alteration.  The process also includes legal adjustments such as changing the name and gender on legal documents.

Gender Recognition  Gender Recognition is the process whereby a transsexual person may apply for legal recognition of his or her acquired gender.  The process was established under the GRA.

Gender Recognition Certificate  A full GRC shows that a person has satisfied the criteria for legal recognition in his or her acquired gender.  The recipient of the certificate is considered, for all intents and purposes, as being of the gender listed on the certificate from that moment onward and not of their birth gender.  The legal basis for creating a GRC is found in the GRA 2004.

An Interim GRC will be issued to a successful applicant if he or she is married or a civil partner at the time of the application.  The interim certificate is issued to allow the applicant and his or her spouse/civil partner to end their marriage/civil partnership easily.  It has no legal significance beyond this use.  When the marriage/civil partnership is ended, a full GRC will be issued to the successful applicant.

Gender Recognition Panel  A Gender Recognition Panel considers applications for gender recognition.  The panels are ordinarily made up of legal and medical members who assess whether the legal and medical criteria for legal recognition are met.  If the applicant is successful, the panel will issue a full or an interim GRC.

Legal Recognition  Legal recognition means that in the eyes of the law a person is seen to be of his or her acquired gender, as opposed to the gender that was registered on that person’s birth record when he or she was born.

MTF  Male to female transsexual person.  A person who is changing, or has changed, gender role from male to female.

Post-Operative Stage  This is when an individual has undergone surgery and now presents some, or all, of the anatomical sexual characteristics relevant to their acquired gender.
Real Life Experience  This is the phase of gender reassignment during which the individual must live and work in his or her acquired gender before certain medical procedures will be carried out.

Sexual Orientation  An orientation towards persons of the same sex (lesbians or gay men) or an orientation towards a person of the opposite sex (heterosexual) or an orientation towards persons of the same sex and opposite sex (bisexual). Sexual orientation is not to be confused with Transsexualism.

Trans  A generic term generally used by those who identify themselves as transgender, transsexual or transvestite. The term should only be used as an adjective.

Transgender  An umbrella term for people whose gender identity and/or gender expression differs from their birth gender. This term should only be used as an adjective; that is individuals should be referred to as “transgender people”, not “transgenders”.

Transsexualism  Another term for gender dysphoria or gender identity disorder. Transsexualism is to be preferred to the term transsexuality.

Transsexual Men  Transsexual men are people who were registered at birth as female (or a girl) but now present to the world as male. Transsexual women were registered at birth as male (or a boy) but now present as female.

Transitional Period  When a transsexual person decides to live fully in their preferred gender. They must do so for two years to be able to apply for a GRC. Normally during this time they will receive counselling, medication and, if they so wish, prepare for surgery (this can then also be known as the “pre-operative stage” or the “real life experience”).

Transsexual Person  For the purposes of this policy, the term transsexual is used to mean a person who intends to undergo, is undergoing or has in the past undergone gender reassignment (which may or may not involve hormone therapy or surgery). The term “transsexual” should be used as an adjective, not a noun, ie individuals should be referred to as “transsexual people” rather than “transsexuals”.

Transvestite  The clinical name for a cross-dresser. A person who dresses in the clothing of the opposite gender. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria.
ANNEX B

Example of a Transition Programme

<table>
<thead>
<tr>
<th>Timescale</th>
<th>Action Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>This column to be completed on an individual basis as agreed between the individual and his or her CO and Medical Officer</td>
<td>The individual confirms the transition plan in consultation with his or her CO and Medical Officer. Early consultation with respective single-Service Equality and Diversity Policy staff. SPC informed of the situation.</td>
</tr>
</tbody>
</table>

CO discusses transition phase with Senior Executives on a “need to know” basis. Confidentiality must be maintained. Potential issues of social reassignment identified, eg domestic and assignment requirements. Chain of Command, in consultation with the individual draws up a plan for informing Unit of impending commencement of transition period. This should cover the medical and social aspects of the transition process and should include a plan for verbal and written briefings for Unit authorities and colleagues.

SPC briefs the individual about amending Service details and records and civilian documentation. Provide the individual with a list giving details of records requiring amendment. (See Annex D)

Establish and maintain close liaison with the relevant single-Service Equality and Diversity Policy staffs, the individual’s Career Manager (SPC) and the individual’s Unit Equality and Diversity Adviser (EDA).

Individual’s Medical Officer contacts the relevant Career Manager to initiate process for allocation of new Employee Number in JPA.

Appropriate supply authority demands temperate scale clothing relative to the individual’s acquired gender. Advice of individual’s Medical Officer is to be sought before the individual starts duty in uniform. For practical reasons it may be appropriate for the individual to work in civilian clothes for an interim period. The decision to authorise the wearing of uniform should be made on a case-by-case basis.

All administration for change of records initiated. Close liaison with the Career Manager /SPVA(G) will be necessary to avoid any rejection of system records. The SPVA JPA website includes a specific Transsexual Business Process Guide that needs to be consulted at an early stage to ensure a successful and timely update of records. Take action to ensure that other records/documents are amended (as per Annex D)
If necessary, move the individual into single accommodation, appropriate to his/her acquired gender prior to commencing any period of leave. Individual section/department briefings given (as agreed above). Potential problem areas addressed by chain of command, with remedial action taken where necessary. The individual reports for duty in his/her acquired gender. It will be important for line management to monitor the situation and take remedial action during the early stages of the Transition Period to ensure that the social reassignment programme progresses smoothly, for all personnel.
ANNEX C

SPECIMEN NAME CHANGE PROFORMA

I, JOAN ALICE SMITH of insert address a British subject DO SOLEMNLY AND SINCEREELY DECLARE as follows:

1. I absolutely and entirely renounce and abandon the use of my former forenames of JOHN ALAN and adopt and determine to take and use from the date hereof the forenames of JOAN ALICE in substitution for my former forenames of JOHN ALAN.

2. I shall at all times hereafter in all records deeds documents and other writings and in all actions and proceedings as well as in all dealings and transactions and on all occasions whatsoever use and subscribe the forenames of JOAN ALICE to the intent that I may hereafter be called known or distinguished not by the former name of JOHN ALAN but only by the name JOAN ALICE SMITH.

3. I authorise and require all persons at all times to designate describe and address me by the adopted name of JOAN ALICE SMITH.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED at )
In the county of (insert) this day )
Of )

Before me,

Commissioner for Oaths/Solicitor
ANNEX D

Exemplar List of Records Requiring Amendment or Organisations to be Informed

The following lists may be used as an aide-mémoire and check list to assist transsexual personnel and their line management. It is not exhaustive.

SERVICE RECORD

<table>
<thead>
<tr>
<th>Record Type</th>
<th>DATE CHANGED/ ORGANISATION INFORMED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Number (RN and Army only)</td>
<td></td>
</tr>
<tr>
<td>Identity Card</td>
<td></td>
</tr>
<tr>
<td>Medical Records (including DMICP)</td>
<td></td>
</tr>
<tr>
<td>Dental Records</td>
<td></td>
</tr>
<tr>
<td>Security Clearance records (via DVA)</td>
<td></td>
</tr>
<tr>
<td>Personal Clothing Record</td>
<td></td>
</tr>
<tr>
<td>Personal File</td>
<td></td>
</tr>
<tr>
<td>Locally Issued documentation eg vehicle passes</td>
<td></td>
</tr>
<tr>
<td>Identity Discs</td>
<td></td>
</tr>
<tr>
<td>Railcard or Coachcard</td>
<td></td>
</tr>
<tr>
<td>In-theatre documentation, eg vehicle registration documents, ration cards, etc</td>
<td></td>
</tr>
</tbody>
</table>

CIVILIAN RECORD

<table>
<thead>
<tr>
<th>Record Type</th>
<th>DATE CHANGED/ ORGANISATION INFORMED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax code</td>
<td></td>
</tr>
<tr>
<td>National Insurance Number (An individual who is successful in obtaining a full GRC is legally obliged to inform HM Revenue and Customs (HMRC) so that National Insurance records can be amended. Failure to do so may make the individual liable to prosecution. To make things easier, if an individual is successful in obtaining a GRC the Gender Recognition Panel will inform the HMRC on their behalf. To enable the GRP to do this the individual will need to supply them with the correct National Insurance number and a statement of consent.</td>
<td></td>
</tr>
<tr>
<td>Passport</td>
<td></td>
</tr>
</tbody>
</table>
National Health Service Card

European Health Insurance Card (EHIC)
Bank Details – including credit/debit cards and building society savings accounts, mortgage, share certificates, etc

Driving Licence (It is a legal requirement to inform the DVLA of any name change)

Vehicle Registration Documents

Electoral Registration (personal, post, proxy)
Insurance policies – personal, motor, life assurance

Will (an individual’s will may need to be amended if entitlements/legacies under it are affected by the gender change)
ANNEX E

Advice or Support Groups for Transsexual People and Sources of Information

Single Service Equality and Diversity Policy staffs
Details of single-Service equality and diversity staffs can be found on Service intranet sites or by contacting a Unit Equality and Diversity Adviser (EDA).

A:GENDER
A:gender is the support network for staff in government departments and agencies who have changed or need to change permanently their perceived gender, or who identify as intersex. a:gender also acts in an advisory capacity to HR departments across the Civil Service and Cabinet Office.

a:gender or: a:gender
1st Floor Grey 4
Seacole Building The Exchange Brewery
2 Marsham Street 2 Bridge Street
London Sheffield
SW1P 4DF S3 8NS

Tel: 020 7035 4253 0114 207 4318
Mobile: 07786 096992 07876 145411
Email: agender@homeoffice.gsi.gov.uk
Website www.csag.org.uk

Depend
Depend is a voluntary organisation whose aim is to provide support, advice and information for anyone who knows, or is related to, a transsexual person in the UK.

Depend
BM Depend
London
WC1N 3XX

Email: infor@depend.org.uk
Website: www.depend.org.uk

FTM Network
The network is an informal and ad hoc self help group, open to all female to male transgender and transsexual people, or those exploring this aspect of their gender.

Website: www.ftm.org.uk

Inner Enigma
A charitable group which supports transsexual and transgender people.
The Gender Trust
The Gender Trust is a Registered Charity which helps adults throughout the United Kingdom who are Transsexual, Gender Dysphoric, Transgender or those whose lives are affected by gender identity issues.

The Gender Trust
PO Box 3192
Brighton
BN1 3WR

Tel: 01273 234024 (Mon-Fri 9am-5pm)
Email: info@gendertrust.org.uk
Website: http://www.gendertrust.org.uk

Gender Recognition Panel
The Gender Recognition Panel was established under the Gender Recognition Act 2004 (GRA) to assess applications from transsexual people for legal recognition in their acquired gender. Application forms for Gender Recognition Certificates can be obtained from the Gender Recognition Panel's website.

The Gender Recognition Panel
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 355 5155
Email: GRP Enquiries
Website: www grp.gov.uk

The Gender Identity Research and Education Society (GIRES)
GIRES is a registered charity that aims to promote education based on research into gender identity and intersex issues and supports the right of individuals to live according to their true gender identity, rather than one imposed upon them at birth.

GIRES
Melverley
The Warren
Ashstead
Surrey
KT21 2SP

Tel: 01372 801554
Website: www.gires.org.uk
Press for Change
UK civil rights campaign for transsexual and transgendered people. Their website provides information on legal issues and equal rights for trans-people.

Tel: 0161 432 1915
Email: www.pfc.org.uk/node/641#join – to join their mailing list
Website: www.pfc.org

Transgender Zone
A website for general information on trans issues; it also has information on trans-friendly places to go in London.

Transfabulous
A London based group providing support and entertainment for trans-people and their friends.

Website: http://www.transfabulous.co.uk

TransLondon
A London-based support group, that holds monthly meetings and also provides other resources for trans-people.

Website: http://www.translondon.org.uk/4.html
Email: TransLondon@hotmail.co.uk
Chapter 34

MANAGEMENT OF CF TRANSSEXUAL PERSONNEL

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Identification

3401. Date of Issue. 1 November 2010.

3402. Application. Unless otherwise indicated, this Chap applies to all CF members.

3403. Supersession. NA.

3404. Source Refs:

a. Canadian Forces Superannuation Act;

b. Employment Insurance Act(140);

c. QR&O 26.01, Personal Records and Documents;

d. CFAO 26-3, Identification Cards;

e. DAOD 7012-0, Wills;

f. A-AD-265-000/AG-001, CF Dress Instructions;

g. Vol 3, Chap 13, Sect K, Distinctive Environmental Uniform (DEU) Online Kit (e-13K004);

h. Vol 7, Chap 5, Sect H, Part 1, Maintain a Supply Customer Account (SCA) MSO014 (7-5H-1);
i. Vol 7, Chap 5, Sect H, Part 2. Clothing stores customer EMPSCA (7-5H2);

j. Passport Canada; and

k. Canada Revenue Agency.

**Purpose**

3405. This document has been created to provide the transsexual member, the CO and the URS/Res Unit with some guidelines pertaining to their administration.

**Abbreviations**

3406. For the purposes of this Chap, the following abbreviations apply:

<table>
<thead>
<tr>
<th>Ser</th>
<th>Abbreviation</th>
<th>Complete Word or Phrase</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>CO</td>
<td>Commanding Officer</td>
</tr>
<tr>
<td>b.</td>
<td>DEU</td>
<td>Distinctive Environmental Uniform</td>
</tr>
<tr>
<td>c.</td>
<td>FCP</td>
<td>Family Care Plan</td>
</tr>
<tr>
<td>d.</td>
<td>PEN</td>
<td>Personal Emergency Notification</td>
</tr>
<tr>
<td>e.</td>
<td>SCA</td>
<td>Supply Customer Account</td>
</tr>
<tr>
<td>f.</td>
<td>SDB</td>
<td>Supplementary Death Benefit</td>
</tr>
<tr>
<td>g.</td>
<td>SOR</td>
<td>Statement of Residence</td>
</tr>
</tbody>
</table>

**Terminology**

3407. For the purposes of this Chap, the following terminology applies:

a. **Transsexual.** A transsexual is a person who has a psychological need to belong to, or identify with, the opposite sex and to live life as a member of that sex. A transsexual person has changed, or is in the process of changing, his or her physical and/or legal sex to conform to his or her internal sense of gender identity. The term can also be used to describe people who, without undergoing medical treatment, identify and live their lives full-time as a member of the gender different from their assigned sex/gender.

**Privacy Issue**

3408. A transsexual individual should expect the URS/Res Units to be dealt with the utmost privacy and respect. Only sections and individuals are to be informed, the “need to know” basis must be applied, (e.g.: when changing the gender in a system, there is no reason to indicate as to why).
**Documentation Concept**

3409. IAW QR&O 26.01 members shall notify their home/host unit CO in writing of changes in their family status and of the occurrence of other domestic events which might affect their pension, annuity, pay, allowances, benefits or expenses.

**Dress and Deportment**

3410. A transsexual member shall dress consistent with their target gender and shall comply with the same standards of dress and deportment as applied to all other members of that gender see A-AD-265-000/AG-001, Dress Instructions.

**Medals**

3411. Even though a member may have had a legal name change, honours may not be re-issued with a CF member’s new name. The principle reason is that there is no legal authority for rewriting history. Honours are wedded to a specific date of “crystallization” (e.g.: date of death, date of the incident, first date of eligibility during a campaign, or date of nomination for meritorious). Honours are issued based on the facts on the date of crystallization including the member’s name at the time. There is no legal authority for going back in time and manipulating the facts on the date of crystallization.
3412. The following table can be used as a guideline/checklist in regards to the administration of a transsexual member. Please note this is not an exhaustive list but rather a guide.

### Phase 1 - No legal documentation available

#### Transsexual Transition Period

<table>
<thead>
<tr>
<th>References:</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Vol. 7, Chap. 5, Sect. H, Part 2, Clothing stores customer EMPSCA (7-5H-2)</td>
</tr>
<tr>
<td>C. Vol. 7, Chap. 5, Sect. H, Part 1, Maintain a Supply Customer Account (SCA) MSO014 (7-5H-1)</td>
</tr>
<tr>
<td>D. Passport Canada</td>
</tr>
<tr>
<td>E. CFAO 26-3 para 16, d</td>
</tr>
</tbody>
</table>

**Chief Clerk**

- Obtain a copy of the relevant CF 2018 Employment Limitations for Return to Work (medical chit) issued by the Base/Wing Base Surgeon (only);

- Send a copy of the CF 2018 to Logistik Unicorp Inc for issue of new DEU. See ref B or the following link: [https://www.logistikunicorp.com/default2.asp?lang=E](https://www.logistikunicorp.com/default2.asp?lang=E);

- Official green passport: If member was issued an official green passport, member will be required to complete a passport change request PPTC 152 available via the passport office 1-800 number located at ref D. URS/Res Unit shall forward the completed form along with the original gender birth certificate and the original medical authorities’ letter confirming that the member is going thru a transsexual transition within the next 12 months. Member will be issued a one year temporary passport;

- When there is a change in appearance, have the member report to the Identification section for their new ID card IAW ref E; and

- Upon receipt of the relevant CF 2088, ensure that the medical category is reflected in HRMS and that the PRV Status Report has been updated. A BF (bring forward action) may be required if not readily available.

**Note:** As no legal documents have been received, the URS shall not process any name or gender change in the member’s records.
# Phase 2 - NAME and GENDER change

## Legal Documents Obtained

**References:**

A. QR&O Chap 26, Sect 4, Art 26.32 and Art 26.33  
B. A-PM 245 Chap 13  
C. Passport Canada  
D. CFAO 26-3 para 16

**Note 1:** As the required proof documents for the name and gender change may not be received simultaneously, the two procedures have been separated; and  

**Note 2:** WRT the passport changes suggest that both the name and gender change be done at the same time.

## Administration/Name Change

<table>
<thead>
<tr>
<th>Task</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review legal documents and insert a Certified True Copy in the members UPF;</td>
<td></td>
</tr>
<tr>
<td>Action name change transactions in HRMS;</td>
<td></td>
</tr>
<tr>
<td>Amend member’s service records IAW ref A;</td>
<td></td>
</tr>
<tr>
<td>Complete the following forms: Will, PEN form, SDB, FCP, SOR, Memorial Cross;</td>
<td></td>
</tr>
<tr>
<td>Advise the medical record section to action member’s name change in the “Patient index” panel of CFHIS and to amend member’s medical records IAW ref A;</td>
<td></td>
</tr>
<tr>
<td>Advise the dental section to action member’s name change in proper panels of Dent IS and to amend member’s dental records IAW ref A;</td>
<td></td>
</tr>
<tr>
<td>Official Green passport: have member complete the PPTC 153 (anglo) or PPTC 154 (franco) passport request available at ref C and forward it to official passport office with the new birth certificate;</td>
<td></td>
</tr>
<tr>
<td>Personal Blue passport: provide member with all the information with regards to a name change for her/his action IAW ref C;</td>
<td></td>
</tr>
<tr>
<td>Have member report to ID section for new ID card IAW ref D (to reflect the name change);</td>
<td></td>
</tr>
<tr>
<td>Send certified true copies of legal documents (court order and new birth certificate) to DPM Secur 2;</td>
<td></td>
</tr>
<tr>
<td>IAW the <a href="#">Current Employment Insurance Act, para 140</a>, when the name of a person to whom a Social Insurance Number has been assigned is changed because of marriage or otherwise, the person</td>
<td></td>
</tr>
</tbody>
</table>
shall apply to the Commission within 60 days after the change of name becomes effective for a Social Insurance Number card in the person’s new name;

☐ Advise the member to contact Canada Revenue Agency to advise them of the name change;

☐ The URS shall forward a certified true copy of all legal documents to NDHQ/DCFPS (PS-4), the documents will be imaged and placed on the member’s pension file; and

☐ Member will need to report to the Identification section again in order to be fingerprinted, IAW Ref D.

---

**Administration/Gender Change**

☐ Review legal documents and insert a Certified True Copy in the members UPF;

☐ Action gender change transaction in HRMS;

☐ Advise the medical record section to action member’s gender change in the “Patient index” panel of CFHIS and to amend member’s medical service records IAW ref A;

☐ Advise the dental section to action member’s gender change in proper panels of Dent IS and to amend member’s dental service records IAW ref A;

☐ Official Green passport: forward PPTC 153 form with Medical certification confirming change of sex and new birth certificate to Official travel for their action. Form can be found at ref C;

☐ Personal Blue passport: advise member that he/she can do the same for their personal blue passport (complete form PPTC 153 or PPTC 154); and

☐ Send certified true copies of legal documents to DPM Secur 2.

---

**Pay/Name Change**

☐ Forward a certified true copy of legal documents to NDHQ/DCFPS (PS-4) for confirmation that the documentary proof of change of name is acceptable for the purposes of the Canadian Forces Superannuation Act (see QR&O Vol IV, Appendix 5.1. The documents will also be imaged and placed on member’s e-file;

☐ Confirm name change transaction is reflected accurately in CCPS. If not, URS shall submit a work ticket through their local military pay representative; and

☐ For Res F members, action in RPSR will be required.
<table>
<thead>
<tr>
<th>Pay/Gender Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forward a certified true copy of legal documents to NDHQ/DCFPS (PS-4) for confirmation that the documentary proof of change of name is acceptable for the purposes of the Defence Services Pension Continuation Act or the Canadian Forces Superannuation Act (see QR&amp;O Vol IV, Appendix 5.1). The documents will also be imaged and placed on member’s e-file;</td>
</tr>
<tr>
<td>Confirm gender change transaction is reflected accurately in CCPS. If not, URS shall submit a work ticket through their local military pay representative;</td>
</tr>
<tr>
<td>Confirm that member’s allowances have been amended accordingly (i.e. Civilian Clothing Allowance); and</td>
</tr>
<tr>
<td>For Res F members, action in RPSR will be required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distribution:</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be retained on member’s UPF until all steps in Phase 2 have been completed.</td>
</tr>
</tbody>
</table>
CF Mil Pers Instr

CF Mil Pers Instr 01/11–
Management of CF Transsexual Members

1.0 Identification

1.1 Date of Issue 2011-02-08

1.2 Date of Modification Not applicable

1.3 Application This is an instruction that applies to officers and non-commissioned members of the Canadian Forces (“CF members”).

1.4 Approval Authority This instruction is issued on the authority of Chief Military Personnel (CMP).

1.5 Enquiries DHRD 2-6, 613-971-0489

1.6 Table of Contents This CF Mil Pers Instr contains the following topics:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Direction</td>
<td>2</td>
</tr>
<tr>
<td>Responsibilities</td>
<td>9</td>
</tr>
<tr>
<td>Authorities</td>
<td>10</td>
</tr>
<tr>
<td>References</td>
<td>10</td>
</tr>
</tbody>
</table>
2.0 Policy Direction

2.1 Context
The unique management issues regarding transsexual individuals within the military requires that guidance be provided to assist Commanding Officers (CO) and leadership at all levels. The Canadian Forces (CF), as a national institution, is committed to ensuring that CF members who are transsexual are treated with dignity and respect.

2.2 Policy Statement
This policy sets out the CF position with respect to the management of CF transsexual members and is intended to assist CF personnel and chains of command to understand their obligations and responsibilities and to prevent discrimination and harassment because of gender identity differences.

By promulgating this policy regarding CF transsexual members, the CF is:

Promoting the dignity and equality of those whose gender identity does not conform to traditional social norms;

Preventing discrimination and harassment based on gender identity through education and awareness; and

Providing guidance regarding accommodation of the unique requirements of CF transsexual members as they transition.

2.3 Background

2.3.1 Definitions

Gender Identity

Gender Identity refers to a person’s innate, deeply felt psychological identification as male or female, which may or may not correspond to the person’s anatomy or assigned sex at birth and as reflected on their birth certificate. While traditionally viewed as a binary system (male or female), gender identity is in fact a much more varied spectrum in which individuals identify themselves, whether a result of genetic or psychological factors, which may or may not correspond to external physical traits. See Transsexual definition.

2/10

CF Mil Pers Instr 01/11
Management of CF Transsexual Members
Gender identity disorder (GID)

GID is a psychiatric diagnosis recognized and listed in the Fourth Edition of the Diagnostic and Statistical Manual for Mental Disorders (DSM-IV) and the Tenth Edition of the International Statistical Classification of Diseases and Related Health Problems (ICD-10). This disorder is marked by severe psychological and/or physiological distress and discomfort caused by the conflict between one’s gender identity and one’s assigned sex at birth. A related, often-used term, gender dysphoria refers to the unhappiness that some of these individuals feel with their physical sex and/or gender role. Not all transsexual people experience gender dysphoria or are diagnosed with GID.

Transgender

A general term applied to a variety of individuals, behaviors, and groups involving tendencies that diverge from society’s normative gender roles (i.e. man or woman).

Transgender is the state of one's gender identity (self-identification as woman, man, or neither) not matching one's assigned sex.

Transgender does not imply any specific form of sexual orientation. While there is no universally accepted definition for transgender, some definitions include:

- Of, relating to, or designating a person whose identity does not conform unambiguously to conventional notions of male or female gender roles, but combines or moves between these;

- People who were assigned a sex, usually at birth and based on their genitals, but who feel that this is a false or incomplete description of themselves; and

- Non-identification with, or non-presentation as, the sex (and assumed gender) one was assigned at birth.

Transgender therefore is a term used to describe the gender identity of a broad range of people who experience and/or express their gender differently from societal norms – either in terms of expressing a gender that does not match the sex listed on their original birth certificate (i.e. identified/designated sex at birth) or physically changing their sex. It is an umbrella term that includes the expression of transsexuality, or otherwise gender non-conforming characteristics.
Transitioning

Transitioning, in the context of transsexuals, is a part of the treatment for GID; it is the process through which a person modifies his or her physical characteristics and/or manner of gender expression to be consistent with his or her gender identity. This transition may include hormone therapy, sex-reassignment surgery and/or other treatments and is conducted under medical supervision based on a set of standards developed by medical professionals. While the specifics of the transition process will vary from case to case, a common factor in most if not all transition processes is typically a one-year “real-life experience” (as a minimum) in which the individual lives and presents consistently with their gender identity under medical supervision.

Transsexual

A transsexual is a person who has a psychological need to belong to, or identify with, the opposite sex and to live life as a member of that sex. A transsexual may be motivated by the urge to acquire the necessary physical appearance (through surgery, hormone therapy) or adopt the social role typical of the opposite sex. A transsexual person has changed, or is in the process of changing, his or her physical and/or legal sex to conform to his or her internal sense of gender identity. The term can also be used to describe people who, without undergoing medical treatment, identify and live their lives full-time as a member of the gender different from their assigned sex/gender.

2.4 Direction

2.4.1 Accommodation

The process leading to the transition of a transsexual individual from one gender to another is lengthy and subject to careful medical assessment. Not all aspects of the treatment of transsexual individuals will impact the workplace. However, at the point where the workplace does become involved, accommodation of this person will be required as transition from one gender to another will necessitate significant administrative and social adjustment.

The CF is obligated to consider accommodation of a transsexual member’s needs when advised that the said person is intending to undergo transition. An integral part and one of the first steps in transition would be a medical assessment which would result in assignment of a temporary medical category (TCAT) and medical employment limitations (MEL) that would help shape the workplace accommodation. The MELs would be set out in a
medical document or certificate (usually a CF2018 followed by a CF2088); in the case of Class A Reserve members a civilian doctor’s letter confirming their medical condition and treatment will still require review by CF medical authorities and the issuance of the CF2018 and CF2088. On being notified of the member’s intent to transition, the member’s supervisor/manager and the unit CO should meet with the individual and medical authorities to discuss the specific requirements and needs of accommodating their transition.

The CF shall accommodate the needs of CF transsexual members except where the accommodation would:
- constitute undue hardship; or
- cause the CF member to not meet, or to not be capable of, meeting, DAOD 5023-1, Minimum Operational Standards Relating to Universality of Service.

Undue hardship is the limit to which the CF and service providers are expected to accommodate in a given situation, taking into consideration the following factors:
- realistic ability to meet the costs associated with the accommodation; and
- health and safety of CF members and the public.

2.4.2 Considerations

Regular and on-going consultation regarding the needs of the transsexual member will be required by the member’s chain of command, i.e., immediate supervisor and unit CO and any other personnel as deemed necessary (e.g. unit Sergeant-Major, unit Adjutant). As appropriate, this may require meetings with the transsexual member, unit members, the treating Medical Officer and other involved parties.

Unit COs should be aware of the emotional and psychological impacts of transition on CF members. Local subject matter experts and other resources may be able to assist in this regard. For example, if requested and/or deemed appropriate, chaplains may be: called upon to assist directly or provide a referral to a suitable chaplain who may act as the primary point of contact regarding the spiritual well-being of the CF transsexual member; provide ministry to not only the member in transition but also advice and education to unit personnel and the greater military community as required; and work with the CF transsexual member, their unit chain of command and other key personnel to foster spiritual well-
being and acceptance, providing alternate contacts or sources of counseling, spiritual care and ministry, in support of and consistent with the care already provided. CF Health Services Group mental health care providers may also provide assistance, if and when appropriate. Working with the CF transsexual member, their unit chain of command and other key personnel to address mental health issues, they can also provide counseling and advice to unit members and to the greater military community as appropriate and required. Close and careful coordination of subject matter experts’ involvement and other resources engaged to assist will be required to ensure no contradictory or duplicated effort.

For CF transsexual members undergoing transition, unit leadership’s support is crucial. The unit CO shall provide a work environment free from discrimination and prejudice, respectful of the transsexual individual’s right to privacy and to be treated with dignity. That having been said, the unit CO will need to strike the appropriate balance in meeting the needs of the CF transsexual member and that of others in the unit (in such areas as privacy in the use of public facilities (e.g. a washroom or change room)), taking into account the relevant considerations in devising a suitable and appropriate solution.

Note that not all persons who are transsexual will undergo the surgical procedures to completely re-align their anatomical sex structure to match their new gender. This may cause significant concern and negative reaction from other users of public facilities when confronted with the presence of a transsexual individual. While it is important to stress the right of a transsexual individual to have access to these facilities, the privacy of other users must also be considered. As a result, the unit CO must lead an effort to find a balanced solution that is satisfactory for all, without excluding access to any of the parties. Ultimately, Canadian legislation and interpretation of these laws have provided, and continue to provide, the legal foundation for the way transsexual members are to be treated. It is important to stress the legitimate right of these transsexual members to use public facilities without fear of physical or verbal assault or harassment.

Incidents regarding harassing behaviour shall be dealt with using the DND/CF harassment prevention and resolution policy. Incidents regarding workplace violence shall be dealt with using existing health and safety policies.

In the event that an incident may contravene the Criminal Code of Canada, or if there is an immediate danger to the health and safety
of CF members, public service employees or Canadian citizens on a base or wing, the appropriate authorities shall be contacted to address the situation.

Once initiated, and during the transition period, a CF transsexual member will be kitted for, and dressed as, their target gender. During the transition period, they shall wear their uniform in accordance with existing regulations for their target gender. Once transition is complete, and the CF transsexual member is legally recognized in their new gender, the standards with regard to dress and deportment are no different for a transsexual member than for any other CF member.

A CF transsexual member in transition will be assigned a TCAT and MELs that will ensure ongoing access to required medical support. This would normally preclude deployments. For other situations, careful consideration of the MELs would be required prior to being posted, attach posted, or sent on extended temporary duty away from their home unit. Once a CF transsexual member has completed transition the need for permanent MELs will be determined on a case by case basis and will depend on the presence and circumstances of any chronic medical conditions. Having undergone a gender reassignment will not in and of itself require permanent MELs.

If a CF transsexual member in transition is posted, attach posted or tasked away from their home unit, the member’s CO should meet with the member to confirm, what if any, accommodation measures will be required at the new place of duty. The member’s CO would then communicate the confirmed requirements to the gaining CO as early as possible to advise them of any special needs of the incoming transsexual person. This sharing of information is done with the understanding that the gaining CO must come up with his/her own accommodation plan in consideration of the particular needs/limits of their own unit. There should not be any expectation that an existing accommodation at one unit would imply or obligate a new unit to accommodate the transsexual member in the same manner.

2.4.3 Administrative guidance

CF administrative personnel are provided technical guidance regarding CF transsexual members in A-PM-245-001/FP-001, chapter 34. Given the many different aspects of transition, the following areas are highlighted:
• change of name will be entered into the CF personnel system of record (PeopleSoft/HRMS), on receipt of appropriate legal documents;
• supply and Clothing Online systems will need to reflect the new entitlements in line with the new gender (to be effected with CF2018 medical chit);
• identification cards, security passes and government of Canada (green) passports will need to be re-issued (to be effected with CF2018 medical chit); and
• change of gender will be entered into the CF personnel system of record (PeopleSoft/HRMS), on receipt of appropriate legal documents (i.e. birth certificate in the new gender).

This is not an exhaustive list but merely representative of the changes that will need to occur for a CF member undergoing transition.

Note that when there has been no legal recognition of name or gender change, unit administration staff shall not amend any military personnel record systems for these two specific fields (name change and gender). The effective date of amendments shall not be back-dated. Honours and awards, such as medals, earned under a different name and gender shall not be re-issued with the new name/identity.

For greater clarity, while changes to other systems may be possible without legal recognition (e.g. supply/clothing, security passes, provincial driver’s license), the amendment of military personnel record systems shall be held in abeyance until legal recognition is received. Provincial recognition of the name change and provincial recognition of the completion of the transition process shall be the basis for amending the member’s military personnel record system file to reflect the new name and gender.

CF transsexual personnel shall be tested in accordance with DAOD 5023-2 Physical Fitness Program, against the standards of their legally recognized gender.
### 3.0 Responsibilities

The following table identifies the responsibilities associated with this Instruction:

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>The …</th>
<th>is or are responsible for …</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CO</strong></td>
<td></td>
<td>• ensuring that the rights of the CF transsexual member are respected and that the workplace is free from harassment and discriminatory behaviour</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• taking a leadership role in educating and sensitizing the workplace to the subject of transsexuality and the presence of a CF transsexual member</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• working with the CF transsexual member, the individual’s supervisor, and CF medical authorities, to develop a suitable and appropriate accommodation plan for their unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• assigning, as appropriate, the CF transsexual person with a “sponsor”; the sponsor would be a volunteer who is willing to provide social and emotional support to the CF transsexual member</td>
</tr>
<tr>
<td><strong>CF transsexual member</strong></td>
<td></td>
<td>• providing the chain of command with as much advance notice as appropriate in advance of beginning the transition process</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• complying with all relevant orders and directives pertaining to dress and deportment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• positively contributing to, and participating in, and providing information for the formulation and implementation of a workplace accommodation plan</td>
</tr>
<tr>
<td><strong>CF Health Care Provider</strong></td>
<td></td>
<td>• acting as the primary point of contact regarding the medical treatment of the CF transsexual member</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• completing the documentation required to support the administrative processes associated with transition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• assisting the CO and the CF transsexual member in the development of a workable accommodation plan for the unit and providing education to the unit if requested.</td>
</tr>
</tbody>
</table>
supervisors or managers  • ensuring that all DND employees and CF members have the required information and clearly enunciated standards of behaviour that are expected of them as it pertains to the presence of and treatment of a CF transsexual member

CF members  • acting in a manner that is consistent with CF ethics and standards of professionalism.

4.0 Authorities

3.1 Authority Table

The following table identifies the delegated authority:

<table>
<thead>
<tr>
<th>The ....</th>
<th>Has or have the authority to:</th>
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<tr>
<td>CMP</td>
<td>• issue policy and procedures regarding the management of CF transsexual members</td>
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<tr>
<td>CO</td>
<td>• develop and implement a suitable and appropriate workplace accommodation plan for unit transsexual members</td>
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<tr>
<td>Base or Wing Surgeon</td>
<td>• issue, under his/her signature, the appropriate documentation for CF transsexual members in order to facilitate the transition process</td>
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5.0 References

4.1 Source Reference(s)

• Canadian Charter of Rights and Freedoms
• Canadian Human Rights Act

4.2 Related References

• DAOD 5003-0, Restrictions on Duty and Individual Limitations
• DAOD 5012-0, Harassment Prevention and Resolution
• DAOD 5015-0, Workplace Accommodation
• DAOD 5017-0, Mental Health
• DAOD 5023-0, Universality of Service
• DAOD 5050-0, Canadian Forces Personnel Records
• A-PM-007-000/FP-001, DND/CF Harassment Prevention and Resolution Guidelines
• Defence Ethics Programme DND/CF

10/10 CF Mil Pers Instr 01/11
Management of CF Transsexual Members
UNDERSTANDING TRANSITIONING GENDER IN THE WORKPLACE

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1. The following list details all amendments made to this publication.
2. All printed copies should be replaced in entirety with the latest version available from the Fairness and Resolution Branch website.

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INTRODUCTION

Organisations that demonstrate respect for individuals by fostering a diverse and inclusive workplace have been shown to have higher levels of performance and morale and lower levels of absenteeism. These organisations create an environment of trust and openness, where people are more likely to be comfortable, to demonstrate their initiative and be more efficient and effective.

Defence is committed to fostering a diverse, inclusive, equitable, fair and safe work environment for current and prospective employees by:

- Respecting and valuing our people so that they feel safe and comfortable to express their unique perspectives, talents and attributes;
- Investing in them;
- Enabling them to perform at their best;
- Having positive policies and delivering on them; and
- Responding quickly to people issues.

Gender identity (self-identification as male or female, neither or both) is an important part of a person’s identity; it defines their sense of self and positions them in a social and political context. There are many terms used in society to describe those whose gender identity is at odds with their biological sex. Terms such as transgender and intersex are associated with gender identity and the definitions of these terms are quite varied within the community. Annex A provides some definitions that may assist with the understanding of specific terms and words used throughout this guide.

Broadly, transgender is commonly used to describe anyone whose gender identity does not match their birth sex (otherwise known as assigned gender). Intersex is a condition where an infant is born with reproductive organs and/or sex chromosomes that are not exclusively male or female. Both transgender and intersex people may wish to transition gender.

Traditionally, society has had little understanding of what it means to transition gender. As a result, many transitioning people have been subjected to hostility, ridicule and discrimination. Every person has the right to have their gender identity recognised and respected and all Defence people who wish to transition gender will be provided with the necessary support and management to do so.

In the course of their duties, commanders and managers may not encounter any Defence people who wish to transition gender. It is important however that commanders and managers are aware of their obligations and responsibilities with regard to the support and management of people who are transitioning gender.
AIM

The aim of these guidelines is to provide commanders and managers in Defence with the basis for a sensible and supportive approach to the management of Defence people, whether military or civilian, who intend to transition from one gender to the other. It is stressed that every person’s transition will be different. All transitioning people should be managed sensitively and in accordance with their personal, social and health needs as well as extant Defence policies.

These guidelines should be viewed as an administrative management tool, and not as a health management tool or a policy document.

Whilst a large proportion of these guidelines address issues relating to Australian Defence Force (ADF) members, these guidelines are intended for use by all Defence people whether military or civilian.

LEGAL CONTEXT


THE PROCESS OF TRANSITION

In trying to understand transitioning gender, we need to clarify that sex and gender are different. Sex is most easily understood as whether a person is male or female through their biology. Gender is the socially defined roles and characteristics of being male and female associated with that sex. There are, however, a number of people for whom these associations don’t feel right. This feeling may arise in childhood, adolescence or adulthood and is referred to as Gender Identity Disorder.

Gender Identity Disorder is a medically recognised condition. The condition can manifest in a person as strong and persistent cross-gender identification and a persistent discomfort with their biological sex, or a sense of inappropriateness in the gender role of that sex.

Transitioning gender is the process whereby a person affirms their true gender identity by living fully in that gender role. Transitioning gender usually includes a regime of specialist psychiatric evaluation, hormone treatment, real-life experiences and sometimes reconstructive surgery. Listed below are the five phases in the process of transitioning gender (which may apply to both transgender and intersex people):

**Gender Realisation.** The person realises that he or she wishes to transition gender and is medically diagnosed.
Social Realignment. The person dresses and lives in their affirmed gender role and is treated as being of the gender with which they identify. The person is required to live and work in their new gender role before being considered for any irreversible surgical intervention.

Health Management/Hormonal Realignment. Although there is no single model of treatment, typically an effective model of treatment will utilise hormone therapy, counselling and psychotherapeutic approaches, electrolysis, speech therapy and sometimes surgical reconstruction. Hormone therapy is taken to gradually change the person’s body shape, strength, appearance and behaviour, and is normally required to be taken for the rest of the person’s life.

Surgical Realignment. The person undergoes surgery and acquires physical characteristics appropriate to the affirmed gender. Surgical procedures may be performed on the genitalia, breasts, waist, nose and facial bones, reduction of the external appearance of the larynx and modification of the vocal chords. Surgical procedures may be carried out over a number of years.

Post Operative. The person returns to a normal routine in his or her new identity.

It is important to note that the phases may overlap, and not all those wishing to transition gender will go through all five phases. The transition process from initial diagnosis to surgical realignment is lengthy, and as gender realignment surgery is major and may lead to other medical consequences, not all transitioning people will opt to undergo this surgery.

COMMUNICATION ABOUT TRANSITION

Careful and sensitive management of the person’s employment, workplace and, where relevant, domestic arrangements will be needed throughout the transitioning process. The privacy of the person is paramount when communicating to the workplace that a colleague has commenced the transitioning process.

The commander or manager and the person should discuss and agree on the way ahead to ensure that the communication is done in a sensitive and supportive manner. Such communication should be in accordance with an appropriate and agreed upon time frame and should ideally commence prior to the transitioning person presenting to work in their affirmed gender. Annex B provides a flowchart detailing the administration of transitioning ADF members. Annex C provides additional points that should be considered by the transitioning person at the start of their transition.

Ongoing open and informed discussion between the transitioning person, management and work colleagues is important. The surgical status of the transitioning person is considered Medical-In-Confidence and is not an issue that should be discussed in the workplace environment. Sufficient detail should be provided to explain the facts in an appropriate manner and at a suitable level, without going into unnecessary personal or graphic detail. Information that could be provided to the workplace might include:

- Gender Identity Disorder is a bona fide medical condition;
- The transitioning person may have been living with this medical condition since birth;
- There will be changes to the transitioning person’s external appearance and body image;
- There may be some behavioural changes; and
- The person's personality and idiosyncrasies will generally remain the same.
All parties need to ensure that any myths and misconceptions are dispelled as soon as possible to prevent prejudices and unacceptable behaviour towards the person due to ignorance. Some common myths and misconceptions about transitioning gender are included at annex D.

Transitioning can be a very stressful time for the person concerned. It can be beneficial for the person's mental health and wellbeing if they experience a high level of personal and job role confidence and satisfaction. Self-confidence and job satisfaction can be maintained throughout the transition period by providing job stability and fostering an understanding and supportive work environment for the transitioning person.

It is suggested that the transitioning person seek support for any personal issues that might occur such as rejection from partners, family and friends. The Employee Assistance Program can be utilised for APS people. Military members should consult with their local Health Centre staff and/or their chain of command.

A Case Manager may be appointed at the discretion of the commander or manager to assist the transitioning person during the transition process. When considering who to appoint as the Case Manager, the commander or manager should look for a person who:

- Is compassionate;
- Has the requisite knowledge and experience to be able to explain the support services available to the transitioning person;
- Is able to be the conduit between the transitioning person and command/management; and
- Is someone with whom the transitioning person feels comfortable.

Commanders and managers should also encourage and assist the transitioning person to identify a suitable and willing mentor either from within their workplace or external to it. Mentors can be invaluable in the provision of advice and guidance on the day to day practicalities of living in the affirmed gender. For example, teaching hairstyling or the fundamentals of shaving facial hair.

Through good communication and by being open, informed and supportive, the commander or manager will help to foster a safe and accepting environment for all members of the workplace.

**GENERAL INFORMATION**

When the transitioning person commences the social realignment phase, they will want to be identified as a member of their affirmed gender. This will usually involve, but is not limited to, gender appropriate clothing and grooming, forms of address and change of name. The following paragraphs will offer guidance to individuals, commanders and managers on the issues that may arise on commencement of the transitioning process. Additional information can be sourced from the references and resource list detailed in annex E.

**Recognition of Affirmed Gender**

Administratively, recognition of affirmed gender within Defence should occur once the transitioning person has presented a medical certificate to their commander or manager stating the person's commencement of gender transition. This will allow the person to gain the
support and assistance of their commander or manager throughout their forthcoming transition.

On administrative recognition of their affirmed gender, the person should be addressed appropriate to their affirmed gender, and ADF members permitted to wear the uniform appropriate to their affirmed gender. However, the person’s sex as recorded in PMKeyS can only be amended once the transitioning person presents a copy of their re-issued birth certificate showing the change of sex.

For more information regarding registering a change of sex and applying for a reissued birth certificate, people should refer to their State/Territory Registry of Births, Deaths and Marriages.

**Change of Name and Forms of Address**

When the transitioning person commences the social realignment phase, they will usually want to be known by a name that is more gender-appropriate. Everyone should be advised to use the chosen name when addressing or referring to the transitioning person.

It is also important to use the correct pronouns such as ‘she’ or ‘her’ in the case of a male transitioning to a female or ‘he’ or ‘him’ in the case of a female transitioning to a male. Using the term ‘it’ is disrespectful and completely unacceptable. The continued deliberate use of pronouns and names relating to the previous gender identity will be construed as sexual harassment.

Names on Defence records, including identity cards, can not be updated until such time as the transitioning person presents their legal change of name documentation.

**What accommodation and/or ablutions should be used?**

Once social realignment commences, the dress and bearing of the transitioning person will need to be aligned with their affirmed gender. At this point, the transitioning person must be permitted to use the ablution facilities appropriate to their affirmed gender if they so choose. A transitioning person may choose to use separate facilities such as an accessible toilet for disabled people. However, it will be discriminatory to insist that the transitioning person permanently use facilities for the disabled or facilities of their assigned gender.

Should the situation arise where open communal same sex showers are the only showers available (i.e. field exercises/deployments), the transitioning person and their commander or manager should discuss and agree upon an appropriate arrangement to ensure the needs of all people are met. This situation would only apply prior to the transitioning person undergoing gender realignment surgery.

People working within the same work environment as the transitioning person should be given the opportunity to discuss any concerns they may have with their commander or manager.

**Changes to Personal/Service Records and Documents**

**Changes to Military/Civilian Service Records and ID Cards.** All Defence employees are required to provide evidence to support changes to personal circumstances, e.g. marriage/divorce documentation, birth certificate, change of name documents. It should be noted that there may be an unavoidable delay between the commencement of the social
realignments and updating the transitioning person’s identification card. It may be prudent for the person’s commander or manager to provide the person with a letter which explains the difference between the transitioning person’s current appearance and the photograph on their existing ID card.

**Official Passports.** Refer to the Defence Travel page on the DRN for assistance regarding the requirements for the issue or re-issue of an Official Passport. The Australian Passport Office may also be contacted for advice and guidance around sex and gender diverse passport issues.

**Security**

All changes to personal circumstances must be advised to the Australian Government Security Vetting Agency. Defence employees should refer to http://intranet.defence.gov.au/agsva or email securityclearances@defence.gov.au for advice. This should be done prior to commencement of the social realignment phase.

**Privacy**

Units and organisations must manage the disclosure of information about a person’s transition carefully and sensitively. The person’s right to privacy and the requirement for confidentiality should be clearly explained to peers and colleagues. All Defence people should be reminded of the prohibitions on use and disclosure of personal information under the *Privacy Act 1988*.

**Media**

Instances of gender transitioning may attract attention from national and local media, particularly when it relates to a member of the ADF. Refer to DI(G) ADMIN 08-1 – *Public comment and dissemination of information by Defence personnel* in relation to media enquiries. Individual ADF members and Defence civilians should not initiate contact with the media unless specifically authorised to do so. The Defence Public Affairs Branch can be contacted for further information. When media contact is approved, the transitioning person should carefully consider the subsequent implications, especially regarding their privacy.

**Medals**

Service awards are issued to a person in appreciation and recognition by the Australian Government for particular service. They are a very personal symbol of service and sacrifice, forming a tangible memento for a person to remember that service, and to wear with pride at appropriate occasions. Medals are engraved with a person’s initials, surname and service number or employment ID at the time of the award.

People who change their name after earning a medal do not have an automatic entitlement to a free re-issue of that medal to reflect their name change. In accordance with DI(G) PERS 31-8 – *Forfeiture, restoration and replacement of decorations, medals and war badges*, medals are not normally replaced free of charge unless the medal is lost, stolen or damaged. However, in exceptional circumstances a person may make written application to the Director of Honours and Awards for special consideration for the re-issue of medals engraved with their changed name. This re-issue will be subject to the return of the original medals and the provision of proof of the change of name.
Personal Responsibilities - Fostering an equitable, fair and safe workplace is everyone’s responsibility

All Defence people should expect to be treated with respect, fairness and without harassment or discrimination. DI(G) PERS 50-1 – *Equity and Diversity in the Australian Defence Force* and DPI 1/2001 – *Equity and Diversity in the Department of Defence* state that all Defence people have a responsibility to foster an equitable, fair and safe workplace environment free from all forms of unacceptable behaviour.

Discrimination or harassment of a person because they are transitioning gender is a form of unlawful discrimination. Such discrimination should be dealt with in the same way as any other unacceptable behaviour.

Details of how to manage and report complaints of unacceptable behaviour are available in DI(G) PERS 35-3 – *Management and Reporting of Unacceptable Behaviour*.

ADDITIONAL INFORMATION FOR ADF MEMBERS

Effect on Employment and Deployability

The ADF places considerable importance on the requirement for all ADF members to maintain appropriate standards of fitness and operational readiness relating to their employability and deployability. DI(G) PERS 36-2 – *Australian Defence Force Policy on Individual Readiness* applies.

Defence acknowledges that not all transitioning members will choose to fully transition by undergoing gender realignment surgery. Throughout their ongoing medical treatment, the transitioning member's Medical Employment Classification (MEC) will be reviewed. When determining the transitioning member's continuation of service, each member will be managed on a case-by-case basis.

Any ADF member who is assessed as being medically unfit to continue service and who does not meet the ADF individual readiness requirements will be subject to medical review and may be discharged. DI(G) PERS 16-15 – *Australian Defence Force Medical Employment Classification System* provides further information.

A transitioning member who no longer wishes to serve in the ADF should apply for discharge in accordance with normal Service procedures.

ADF Physical Fitness Tests

Physical fitness is a fundamental requirement for all ADF members and they are required to take fitness tests at regular intervals to meet their specific Service fitness requirements. To account for physiological differences between males and females, tests of general fitness set appropriate standards relative to the gender and age of those taking the test. On commencement of the Health Management/Hormonal Realignment phase, the transitioning member may be required to meet the physical fitness requirements applicable to their affirmed gender. Completion of the physical fitness tests will be dependant upon the member being medically fit to participate.
Provision of Health Services to Transitioning ADF Members

Health care associated with gender realignment will differ depending on the circumstances of the case, the procedures that are being undertaken, and the member’s medical needs.

Treatment for gender disorders involves a variety of clinical investigations and treatment prior to surgical intervention. This type of health care is provided to ADF members for a range of health conditions and is funded by Defence in accordance with the provisions of DI(G) PERS 16-1 - *The Provision of Health Care to Defence Members*. Costs for procedures recognised as cosmetic may not be funded by Defence. For further information on approved medical treatments, members should consult with their treating Medical Officer.

Relocation of Transitioning ADF Members

To assist in their transition to their affirmed gender, an ADF member may request, under existing compassionate posting provisions, posting action to allow them to continue their service in a new location to be closer to family support throughout their transition. The transitioning member does not lose the right to stay with his or her existing unit if he or she wishes to remain in post (subject to any medical considerations and exceptions relating to gender restricted roles).

Change of Uniform

Upon written confirmation by a Medical Officer of a transitioning member's affirmed gender, the member will be permitted to wear the uniform appropriate to their affirmed gender. For further information on the provision of uniforms, members should consult with their relevant Service policy and their unit/ship Clothing Store.

Wearing of ADF Qualification Badges

Transitioning members who were entitled to wear qualification badges earned in their previous gender may continue to do so in their affirmed gender. The transitioning member should bear in mind that their decision to wear a particular badge may identify them as having previously been of the opposite gender.

Housing Entitlements

Transitioning ADF members who occupy living-in accommodation should be housed in accommodation appropriate to their affirmed gender or may seek rental assistance for accommodation off base.

A married transitioning member who undergoes gender realignment surgery will not lose their entitlement to Defence housing provided that there is no unreasonable delay between the dissolution of their marriage and the approval of recognition of their interdependent partnership. Members in this situation should seek assistance from Defence Housing Australia and their commander or manager to manage the situation as early as possible. Refer to DI(G) PERS 53-1 – *Recognition of interdependent partnerships* and the ADF PACMAN for further details.
Effect on Transgender ADF Members serving in Gender-specific Roles/Categories

Members who are transitioning gender and employed within a gender-restricted role/category should seek guidance from their individual Service career management agency.

Arrest, Legal Custody and Searching of Transitioning ADF Members

Any questions relating to the arrest, legal custody or searching of transitioning ADF members should be directed to the Australian Defence Force Investigative Service (ADFIS) or your local area Service Police.

CONCLUSION

These guidelines have been provided as a guide for leaders at all levels to assist with the management of any person who wishes to transition gender in Defence. It is outside the scope of these guidelines to provide detailed advice relating to specific matters. Wherever possible, relevant points of contact and references have been quoted.

More detailed advice and information regarding transitioning gender is available from organisations like Pride in Diversity, the Gender Centre in Sydney and Transgender Victoria; many of these organisations have been listed under Additional Resources in annex E.

For all Defence people working with a person who is transitioning gender, it is important to remember that whilst the transitioning person’s outward appearance may change, they remain the same person on the inside and they deserve to be afforded the same respect, courtesy and assistance that you would expect for yourself.
DEFINITIONS

Defence acknowledges the significance of terminology and that the use of inappropriate terminology can be offensive. Whilst there is some national and international variation, the following definitions are widely accepted and their use is not intended to cause offence:

**Affirmed Gender**
Affirmed gender is a person’s own psychological identification as male or female, regardless of their biological sex.

**Assigned Gender**
Assigned gender is a person’s biological gender at birth.

**Gender**
The term ‘gender’ refers to the way in which a person identifies or expresses their masculine or feminine characteristics. Gender does not necessarily accord with anatomical sexual presentation. It consists of two related aspects: gender identity, which is a person’s internal perception and experience of their gender; and gender role, which is the way that the person lives in society and interacts with others, based on their gender identity. Gender is less clearly defined than anatomical sexual presentation, and does not necessarily represent a simple ‘one or the other’ choice. Some people have a gender identity that is neither clearly female nor clearly male. For the purpose of the law, people can only be male or female.

**Gender Identity**
The term ‘gender identity’ refers to a person’s deeply held internal and individual sense of gender.

**Gender Identity Disorder**
Gender Identity Disorder is a term used by medical professionals that describes a biological condition which is related to the sense and expression of gender. Gender Identity Disorder has nothing to do with sex or sexuality. In the past Gender Identity Disorder has been commonly known as transsexualism or gender dysphoria. The latter term is still used regularly in some spheres. People do not choose to have Gender Identity Disorder. As for others with a medical condition, almost all sufferers of Gender Identity Disorder would strongly prefer not to have the condition.

**Gender Realignment/Reassignment Surgery**
Gender realignment or reassignment surgery is the altering of the physical appearance of a man to that of a woman, or vice versa, by the use of hormone treatments and surgery. Gender realignment surgery is also known as gender reassignment surgery, sex realignment/reassignment surgery, or genital reconstructive surgery. Note that the use of the term ‘sex change’ may be perceived as derogatory.

**Intersex**
The term ‘intersex’ refers to people who have genetic, hormonal or physical characteristics that are not exclusively ‘male’ or ‘female’. A person who is intersex may identify as male, female, intersex or as being of indeterminate sex.

**Sex**
The term ‘sex’ refers to a person’s biological characteristics. A person’s sex is usually described as being male or female. Some people may not be exclusively male or female (the term ‘intersex’ is explained above).

**Sexual Orientation**
The term ‘sexual orientation’ refers to a person’s emotional or sexual attraction to another person, including amongst others, the following identities: heterosexual, gay, lesbian, bisexual, pansexual, asexual or same-sex attracted. This is different to a person’s sex or gender identity.

**Social Realignment**
Also known as ‘real life experience’, this is the phase of gender realignment during which the person lives and works in his or her affirmed gender. This is a requirement before certain medical procedures will be carried out.

**Trans**
The term ‘trans’ is a general term for a person whose gender identity is different to their gender at birth. A trans person may take steps to live permanently in their nominated sex with or without medical treatment. As for transgender, the term should only be used as an adjective, not a noun.

**Transgender**
Broadly speaking, anyone whose identity, appearance or behaviour falls outside of conventional gender norms can be described as transgender. The term transgender is widely accepted as an umbrella term that is used to describe all those whose gender identity is at odds with their biological sex. The term should only be used as an adjective; that is, individuals should be referred to ‘transgender people’, not ‘transgenders’. Transgender men are people who were registered at birth as female but now present to the world as male. Transgender women were registered at birth as male but now present as female. The precise definition for transgender remains in constant flux.

**Transitional Period**
The transitional period is the period of time when a transgender person begins to live fully in their affirmed gender rather than their assigned gender. Normally during this time, the transitioning person will receive counselling, medication and sometimes surgery.

**Transitioning**
Transitioning is the process whereby a transgender person moves from living as a person of their assigned gender to living in their ‘true’ or affirmed gender. This usually involves Hormone Replacement Therapy, a minimum of twelve months social integration and sometimes surgery.

**Transvestite**
A transvestite, or cross-dresser, is a person who dresses in the clothing of the opposite gender. Generally, transvestites do not wish to alter their body and do not necessarily have gender identity disorder.
ADMINISTRATION OF TRANSITIONING ADF MEMBERS

Note that the needs of every transitioning member will differ, and not every member will pass through all the phases of transition. This diagram is intended as a guide only; every member should be managed on a case-by-case basis.

Medical Diagnosis

Medical certificate presented to Commander/Manager

Discussion between Commander and Service member including but not limited to:

- **Leave Arrangements**: Would the member like to take leave prior to commencing the social realignment phase (e.g. to allow time to acquire a more gender appropriate appearance)?
- **Posting Action**: Does the member wish to relocate to another unit and/or locality? If so, Commander/Manager to assist and discuss with Career Management Agency.
- **Uniforms**: Commander/Manager to assist so that procurement of uniforms runs smoothly and without embarrassment to either the transitioning member or the Clothing Store staff.
- **Change of Name**: Most transitioning members will want to be known by a more gender appropriate name. They may initially choose to be known as their chosen gender appropriate name. Note that until legal change of name paperwork is submitted, Defence records cannot be amended. Consider issuing a letter of authority to explain the difference between ID photo and member’s appearance and name.
- **Housing**: The member may need the assistance of their Commander/Manager with regards to Service residence, Rental Assistance or appropriate living-in accommodation.
- **Mentor & Case Manager**: Does the member want assistance in finding a Case Manager or Mentor to assist them throughout their transition?
- **Ablutions**: Discuss with the member which toilet and shower facilities they would prefer to use.
- **Family Assistance**: Has the member arranged to speak with the Defence Community Organisation for assistance for themselves and their family?
- **Informing the workplace**: When, how and where this should occur needs to be agreed between the member and their Commander/Manager.

Workplace colleagues are informed and member commences transition in the workplace

- **Ongoing liaison between Medical Officer and Commander/Manager may be necessary**
- **Ablutions appropriate to affirmed gender may be used**.
- **Member purchases and wears uniform of affirmed gender**
- **Member to be referred to as chosen name with correct pronouns used (e.g. him/her, she/he)**
- **Member submits legal change of name documentation**

Member subject to regular MEC Review

Subject to medical fitness, member may be required to complete fitness tests of affirmed gender

Administratively, recognition of affirmed gender within Defence should occur once the transitioning member has presented a medical certificate to their Commander/Manager stating the member’s commencement of gender transition. A member’s gender can only be changed in PMKeyS once the member presents a birth certificate which reflects the change of gender.

Defence records amended to reflect name change (inc. ID card, personal files, health records etc.)

Version 1.02 published 17 Aug 2011
ANNEX C

ADDITIONAL POINTS OF IMPORTANCE

Defence people going through the gender transition process may want to think about the following points and take action should they be applicable to them:

- Contact your superannuation provider. Some fund calculations are based on gender tables (based on women living longer than men). Advice should be obtained to determine if there will be any impact on superannuation entitlements, and the administrative requirements of the fund to record a change of gender.
- Contact your insurance companies (e.g. car insurance, medical insurance, life insurance). Your entitlements and premiums may change.
- Inform your bank and other financial institutions of your name change.
- Contact Centrelink if you are in receipt of any allowances or benefits.
- Contact Medicare so that your Medicare card can be updated to reflect any changes as a result of your transition.
- Change your ADF driver's licence.
- Contact the DRN and DSN helpdesks to change your login and contact details when you change your name.
- Inform the President of your Mess/Wardroom, if applicable. Your Commander/Manager may be able to assist with this.
MYTHS AND MISCONCEPTIONS

Wanting to transition gender is caused by boys being dressed like girls in childhood or girls being dressed as boys in childhood.

FALSE While it is true that many transitioning people report having their first gender identity issue arise when they were young children, they were no more dressed like girls in childhood than any other males in society and vice versa for females. There is no evidence to suggest that this is a causative factor.

Transitioning people are gay.

FALSE A transitioning person, just like anyone else may be heterosexual, homosexual or bisexual.

Transitioning is about sex.

FALSE Gender Identity Disorder is a widely acknowledged medical condition about gender. While sex is most easily understood as whether a person has male or female genitalia, gender is a cultural expression of sex identity (often but not always based on stereotypes of masculinity and femininity). Gender can be understood as a person looking, dressing or acting as male or female.

Transitioning people choose to live like that.

FALSE Whilst there are choices involved in dealing with transitioning, often these are made simply in order to survive. Transitioning people might choose how to live with the condition but have as much choice in having the condition as other people have in what colour their eyes are or what blood group they are born with.

Gender Identity Disorder only affects men and is fairly rare.

FALSE Approximately one in 11,000 males and one in 30,000 females have the condition. Note that the prevalence of the condition is often understated as most statistics only look at those people who have completed surgery.
REFERENCES AND RESOURCES

References

The following policy documents may provide further detail and guidance on issues relating to transitioning gender in the workplace:

Defence Instruction (General) Administrative 08-1 – Public Comment and Dissemination of Information by Defence Members
Defence Instruction (General) Administrative 32-2 – Issue of Official Passports and Visas to Defence Personnel
Defence Instruction (General) Personnel 16-1 – The Provision of Health Care to Defence Members
Defence Instruction (General) Personnel 16-15 – Australian Defence Force Medical Employment Classification System
Defence Instruction (General) Personnel 31-8 – Forfeiture, Restoration and replacement of decorations medals and war badges
Defence Instruction (General) Personnel 35-3 – Management and Reporting of Unacceptable Behaviour
Defence Instruction (General) Personnel 36-2 – Australian Defence Force Policy on Individual Readiness
Defence Instruction (General) Personnel 50-1 – Equity and Diversity in the Australian Defence Force
Defence Instruction (General) Personnel 53-1 – Recognition of interdependent partnerships
Departmental Personnel Instruction 1/2001 – Equity and Diversity in the Department of Defence
The Defence Enterprise Collective Agreement 2009
The Decision Maker’s Handbook: Making personnel related decisions for ADF members and APS employees
Defence Workplace Relations Manual

Additional Resources

Pride in Diversity www.prideindiversity.com.au
The Gender Centre www.gendercentre.org.au
Diversity Council Australia www.dca.org.au
Gender identity www.med.monash.edu.au/gendermed/identity
Gender Education and Advocacy www.gender.org
The National LGBTI Health Alliance www.lgbt.health.org.au
HRC Workplace Gender Transition Guidelines www.hrc.org/documents/HRC
HRC Transgender Visibility www.hrc.org/documents/transgender_visibility_guide

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