

# Sexual orientation, gender identity and gender reassignment

Explore the CIPD's point of view on sexual orientation, gender identity and gender reassignment, including actions for Government and recommendations for employers

To create a truly safe and inclusive workplace culture, any policies HR puts in place need to adopt a zero-tolerance approach to sexual orientation and gender reassignment discrimination.

Many LGBT+ people are still unable to be themselves at work – just over a third of LGBT staff say that they have hidden their sexual orientation or gender identity at work, and a further fifth of LGBT people have experienced negative comments or negative behaviour from work colleagues in the last year because they are LGBT ([Stonewall 2018](#)). In addition, the discrimination, bullying and harassment of trans employees needs to be stamped out – 12% have been physically attacked by customers or colleagues in the last year because of their trans identity ([Stonewall 2018](#)).

Sexual orientation discrimination and gender reassignment discrimination are both illegal in the UK and are listed as protected characteristics in the Equality Act 2010. They arise when someone is unfairly disadvantaged for reasons related to their sexual orientation or because they are transsexual – their gender identity differs from that which was assigned at birth.

*Note: Terminology evolves, with the reference to 'transsexual' in the Equality Act 2010 now regarded as outdated and misleading (a view that we, as the CIPD, share). 'Transsexual' is just one term under the broader umbrella of 'trans', which describes people whose gender is different from the sex they were allocated at birth. Current definitions mean the law does not easily protect those people identifying as non-binary. However, ACAS say they could be protected if they are discriminated against because they're considering, going through, or have gone through, gender reassignment, whether this perception is correct or not (see 'perceptive discrimination' in our factsheet on Sexual orientation, gender identity, gender reassignment and employment).*

The CIPD believes that an individual's sexual orientation and gender identity should not

affect whether they get a job, benefit from training or get promoted. Everyone deserves the opportunity to develop their skills and talents to their full potential, work in a safe and inclusive environment, be fairly rewarded at work and have a voice in their organisation. It's in the best interests of any organisation to understand and respond positively to LGBT+ issues to attract and retain talented people.

HR needs to set behavioural expectations of the workforce and the organisation's stakeholders through policies, including a zero-tolerance approach to both sexual orientation and gender reassignment discrimination. It is essential that policies are brought alive by the behaviour of everyone in the organisation, ensuring workplace cultures are an inclusive and a safe space for everyone.

- Launch a major, ongoing and well-resourced education campaign to raise awareness of issues the LGBT+ community are facing in the workplace and encourage a culture of inclusion among employers.
- Establish a 'one-stop shop' for employers to make it easier to navigate the many sources of information, advice and guidance already available.
- Take steps towards building an inclusive culture - critically assess your organisation culture. Do you have a culture of inclusivity at work? Are your policies and practices underpinned by principles that actively celebrate and encourage differences? Do you have mechanisms in place through which employees can voice issues about inequality and voice their opinions on what needs to change?
- Review your organisation's policies to ensure they are gender-neutral and inclusive. Clear and enforced policies can reduce homophobic, biphobic and transphobic bullying. Policies should include practical examples of unacceptable behaviour.
- Work closely with managers to ensure they implement people management practices fairly and understand how to support trans staff.
- Work with an LGBT+ staff network in a positive and active way, ensuring a two-way dialogue and utilising staff insight and expertise to evaluate and change people policies, processes and the organisation culture.
- Champion LGBT+ inclusion from the top of the organisation, for example having leadership allies.

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- [Diversity and inclusion topic page](#)
  - [LGBT+ at work podcast](#)
  - [Stonewall \(2018\) LGBT in Britain – Work Report](#)

- [Stonewall's workplace resources](#)
- GEO and Mordaunt, P. (2018) [LGBT Action Plan 2018: Improving the lives of Lesbian, Gay, Bisexual and Transgender people](#)