

Gender Affirmation Guidelines

Office of Industrial Relations and Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate (CMTEDD)



Acknowledgement of Country

The Chief Minister, Treasury and Economic Development Directorate acknowledge the Ngunnawal people as traditional custodians of the ACT and recognises any other people or families with connection to the lands of the ACT and region.

We respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution they make to the Canberra region and the life of our city.

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Contents

Contents	3
Introduction	4
Purpose	4
Responsibilities.....	4
Affirmation Plans.....	5
Managers of employees affirming their gender	6
Education and resources	7
Names and pronouns	7
Appearance and dress.....	7
Leave and other entitlements	7
Facilities.....	7
Updating records.....	8
Disclosure of medical information	8
Bullying, harassment or discrimination.....	8
Consultation	8
Review	9
Further information and feedback.....	9
Approval authority	9

Introduction

1. Gender affirmation is a process undertaken by someone to live in alignment with their gender identity. This may include:
 - a. social aspects of their life such as the way they dress, their hairstyle;
 - b. the pronouns and name they use to refer to themselves or would like people to use when referring to them;
 - c. legal aspects of their life such as their name or sex marker on documents; and
 - d. medical aspects of their life such as hormonal or surgical procedures.
2. Gender affirmation can be a significant experience which may affect multiple aspects of an individual's life, including their workplace. However, when thinking about gender affirmation it is also important to understand that what steps someone chooses to make is individual to them. There is no right or wrong way to affirm one's gender, and you may already know people who have taken steps to affirm their gender in the past, or who might at some point in future, or who are gender diverse but who have no desire to be out in the workplace.

Purpose

3. These guidelines have been developed to promote an improved understanding of gender diversity and assist directorates, managers, and employees to support positive workplace experiences by outlining relevant roles and responsibilities and taking into account relevant legislation.
4. These guidelines also align with the ACT Public Service (ACTPS) Respect, Equity and Diversity (RED) Framework, which supports diversity and inclusion and the creation of workplaces where employees feel safe, valued and comfortable to be themselves at work, regardless of gender identity or any other aspect of diversity.
5. It is important to remember that sometimes the only support required is to simply let employees be themselves in the workplace, open about their identity and/or experience without necessarily undertaking any other steps. As such, although these guidelines focus upon workplace gender affirmation, the principles discussed apply to any employee who may be gender diverse. They are intended to be flexible and adjusted to suit individual circumstances where possible.

Responsibilities

6. All ACTPS staff are responsible for upholding the ACTPS Values and the principles of RED to support a positive gender affirmation experience for employees. This includes:
 - a. treating transgender, gender diverse, and non-binary employees with respect;
 - b. asking respectful questions when unsure of something;
 - c. participating in related training or education; and

- d. listening to, and understanding, the employee's needs and concerns and maintaining honest communication to build trust and support a positive and successful workplace gender affirmation experience.
7. The responsibilities of managers supporting a transgender, gender diverse, or non-binary employee are outlined in the 'Managers of employees affirming their gender' section of this guideline.
8. Staff supporting an employee to affirm their gender in the workplace are responsible for maintaining appropriate levels of confidentiality and privacy. Information should only be disclosed where the consent of the employee has been obtained, and only to those who need to know or are directly involved in the process.
9. The employee affirming their gender is responsible for working with managers and relevant networks to establish and communicate clear expectations.

Affirmation Plans

10. Employees preparing to affirm their gender may benefit from developing a plan, which outlines the timeline and key action items to be achieved in order to affirm their gender in the workplace. They can also seek help to develop this plan from a supporting team, which can include:
 - a. their manager or supervisor;
 - b. the employee's support person (if any);
 - c. a member of the directorate's HR team; and
 - d. online and published resources from LGBTIQ+ organisations.
11. Employees who are affirming their gender in the workplace may want to consider the following when developing their plan:
 - a. whether the employee would like a support person present in discussions;
 - b. which meetings relating to their gender affirmation the employee would like to have;
 - c. the employee's preferred time frame, key milestones, communication, and possible education requirements that are relevant to them in their particular workplace;
 - d. whether the employee would like to take a period of leave prior to coming out openly in the workplace;
 - e. how and when the employee would like to communicate their gender affirmation to their colleagues, work area, key clients and stakeholders, and who (if anyone) they would like to be part of these conversations;
 - f. how involved the employee would like to be in any communication and education processes that occur amongst their team/stakeholders;
 - g. what information the employee wants to share, with whom, and how they want to share it (e.g. a letter, face-to-face individually, at a team meeting,

through their manager, or an email to wider networks and stakeholders, etc); and

- h. how the employee and colleagues might respond to questions that are asked of them by their colleagues (note: no one should ever feel obligated to answer questions they are not comfortable with).

12. Visit the [ACTPS Inclusion and Belonging Hub on SharePoint](#) for additional supporting resources.

Managers of employees affirming their gender

13. When an employee approaches their manager with their intention to let them know about their gender affirmation, it is important for the manager to be supportive, open-minded, and honest. Managers should be prepared to discuss the employee's aims and expectations and confirm what they want the manager's role to be. Managers should consider stakeholders, colleagues, policies and procedures existing in the workplace and contact their local HR team for guidance and support as needed.
14. The responsibilities of a manager assisting an employee to affirm their gender will vary depending on the situation and the preferences of the individual. However, key responsibilities are:
 - a. working with the employee to understand their goals and discuss related matters, including the development of a gender affirmation plan;
 - b. developing a shared understanding about agreed work arrangements during the initial period of gender affirmation in the workplace;
 - c. protecting the privacy of the employee and maintaining confidentiality;
 - d. being reasonably flexible and supportive of any leave that may be required by the employee;
 - e. communicating honestly, openly, and regularly with their team to set expectations;
 - f. facilitating communication of relevant information to key stakeholders, with the consent of the employee;
 - g. increasing their own level of understanding by seeking resources and education;
 - h. being available to answer questions and address any concerns of colleagues through briefings, or facilitating education and awareness; and
 - i. modelling the ACTPS Values and providing leadership to develop a positive, inclusive, and respectful environment to support a successful gender affirmation in the workplace.

Education and resources

15. A lack of knowledge or awareness regarding gender diversity may create nervousness, uncertainty or tension in workplaces. Creating a safe place for employees to ask questions and increase their awareness of the gender affirmation process can support a positive experience for both the transgender, gender diverse or non-binary employee and their colleagues.
16. Training providers can be recommended by contacting the Office of Industrial Relations and Workforce Strategy in CMTEDD (via ACTPSInclusionandBelonging@act.gov.au). A number of local ACT providers have comprehensive training packages on LGBTIQ+ related education.
17. The ACTPS also has a range of LGBTIQ+ inclusion resources which employees should be made aware of: [ACTPS Inclusion and Belonging Hub: LGBTIQ+ Inclusion](#).
18. Employees affirming their gender, their colleagues, or anyone impacted by this in the workplace, can also access their directorate's relevant Employee Assistance Program (EAP), which provides confidential and professional counselling and related services to assist you in resolving issues that may be work related or of a personal nature.

Names and pronouns

19. Transgender, gender diverse and non-binary employees may wish to use a different name and pronouns (e.g. he/him, she/her, they/them) than they previously used and can communicate this choice to their colleagues. If you are a colleague of someone who is affirming their gender and you are unsure what name or pronouns they would like to go by, politely ask them for guidance.

Appearance and dress

20. A transgender, gender diverse, or non-binary employee may dress in accordance with their gender identity. They are required to comply with the same standards of dress and appearance that apply to all other people in their workplace.

Leave and other entitlements

21. Gender Affirmation Leave is available to employees, other than casual employees, who are affirming their gender as provided in ACTPS Enterprise Agreements (Clause E28 of the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2023-26*).
22. Managers should provide reasonable flexibility and support if transgender, gender diverse, or non-binary employees need to take some form of approved leave in relation to their gender affirmation (e.g. personal leave for medical appointments/procedures). Other leave types and a range of flexible work arrangements are provided in ACTPS Enterprise Agreements.

Facilities

23. Supporting transgender, gender diverse, and non-binary employees to use toilets and facilities that are appropriate to their affirmed gender should not affect others in the

workplace. Preventing any employees from using the facilities which align with their gender identity is unlawful. It is not appropriate to require transgender or gender diverse people to use accessible or any other particular bathroom or changing facilities.

Updating records

24. Transgender, gender diverse, and non-binary employees can request an update of employment records, email address, computer log-in, and security card to reflect their updated details through the OneGov Service Centre. Certain types of records, like those relating to payroll, may require a legal name change before the individual's name can be changed on all ACTPS records.

Disclosure of medical information

25. It is not appropriate to ask transgender, gender diverse and non-binary employees about any medical intervention they may have had. Employees are not required to provide details of medical information regarding their gender affirmation.
26. The evidence and conditions for accessing Gender Affirmation Leave are provided in ACTPS Enterprise Agreements (Clause E28 of the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2023-26*).

Bullying, harassment or discrimination

27. It is both unlawful and inconsistent with the ACTPS Values to treat someone less favourably because of their actual or perceived gender identity. The intentional and/or persistent refusal to respect an employee's gender identity (e.g. through misgendering, deadnaming – that is, the use of someone's former name – or requiring an employee to use a bathroom that does not correspond to their gender identity) may constitute discrimination, bullying or harassment.
28. Any such behaviour will be responded to in a manner commensurate with the seriousness of the behaviour conducted, and in accordance with Section G (Values and Behaviours) of ACTPS Enterprise Agreements. For more information, refer to: <https://www.cmtedd.act.gov.au/employment-framework/inclusion-programs/lgbti-inclusion>

Consultation

29. In 2025, the following groups were consulted on minor and technical updates to the Gender Affirmation Guidelines, which were first issued in July 2021:
 - a. OIRWS, CMTEDD; and
 - b. Office of LGBTIQ+ Affairs, Health and Community Services Directorate.

Review

30. The Guidelines may be reviewed from time to time and may be varied or revoked or substituted. The Guidelines are due for review 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

Further information and feedback

31. Feedback should be provided via email to PSM@act.gov.au.

Approval authority

32. This guideline is approved by:

Deputy Director-General
Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate

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