

GENDER AFFIRMATION CLAUSE FACTSHEET

Did you know that your union is working to make workplaces safer for transgender workers? The ASU has developed a model gender affirmation clause for members and delegates to use during bargaining.

Why is a Gender Affirmation clause needed?

When a transgender person begins living openly as their gender, it's broadly referred to as 'transitioning'. This can involve social changes, like presenting differently and asking people to use a new name or pronoun, legal document changes, and medical treatment. Transition can involve different things for different people, it can be a really stressful period and takes up a lot of time.

Many transgender people feel compelled to resign from their workplace just before or just after coming out, due to fear of how their employer and colleagues will react. Transgender people who do remain in their workplace often have to use annual leave to manage appointments related to their transition, or they scale back the amount of days they work.

As a union, we do not believe anyone should lose work for living as their true selves. Remaining in the workplace and maintaining employment for transgender people has benefits for everyone.

What is a gender affirmation clause?

The gender affirmation clause lays out what an employer is required to do to support transgender workers. It includes processes around a transition plan, name changes, inclusion training, and access to affirmation leave. Tabling the clause and talking about it encourages discussion of the resources available, important employer obligations and processes for resolving disputes if they arise.

Do you know anyone in your workplace who would be interested in learning about supporting transgender people at work? Make sure they know about the ASU model clause and pass on this fact sheet.

Other Resources

End Divide Through Pride. A resource for workers, unions and employers. (Victorian Trades Hall Council)
https://static1.squarespace.com/static/5ca424e740978c000145da18/t/5d3fe33a1874ad00019c8a22/1564468046285/pride+book_digital.pdf

Guideline: Transgender people at work – Complying with the Equal Opportunity Act 2010 in employment – Jul 2014 (Victorian Equal Opportunity & Human Rights Commission)
<https://www.humanrights.vic.gov.au/resources/transgender-people-at-work-guideline/>