

SRI BALAJI VIDYAPEETH

(ACCREDITED WITH 'A' GRADE IN THE FIRST CYCLE BY NAAC)

Pillaiyarkuppam, Pondicherry - 607 402



SBV POLICY FOR TRANSGENDER EMPLOYMENT

2018

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TITLE AND APPLICABILITY: SBV POLICY FOR TRANSGENDER EMPLOYMENT - 2018

The policy for transgender employment at SBV would henceforth be known as **SBV POLICY FOR TRANSGENDER EMPLOYMENT - 2018**.

PREAMBLE

The Government of India set up an Expert Committee in the year 2013 which is reflected in the judgment of the apex court that legal recognition to transgender persons be provided to them to address several issues including considerations at home, work place, besides removing the stigma and discrimination. Eventually, this has paved way for the guidelines laid down by the Government of India that welfare schemes are provided to facilitate and support livelihood for transgender. These include Vocational training, self-employment and employment in private organizations and public sector. This policy and guidelines would clarify the legal requirement and help the Institution welcome and include transgender non-conforming and transitioning employees. This policy will ensure transgender, gender non-confirming, and transitioning employees feel safe and welcome in the work place.

Sri Balaji Vidyapeeth and its constituent Colleges do not discriminate in any way on the basis of sex, sexual orientation, gender identity or gender expression. The policy is to create a safe and productive workplace environment for all employees and sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights and safety of such employees.

It is not anticipated that every situation that might occur with respect to transgender or gender non-conforming employees will be addressed totally. The needs of each such employee must be assessed on a case to case basis. However the goal is to ensure the safety, comfort and healthy development of transgender or gender non-conforming employees while optimizing the employee's workplace integration and minimizing stigmatization of the employee.

PURPOSE

The purpose of the policy is aimed at the prevention of discrimination on the basis of sex, sexual orientation and gender identity or gender expression. However the anticipated situational behavior of an individual transgender will not be under the purview of this policy.

SCOPE

The scope of the policy is governed by the issues related to privacy, official records and job transition, besides other. Sri Balaji Vidyapeeth has considered transgender as the third gender.

DEFINITIONS

The definitions provided here under are not intended to label employees but rather to assist in understanding the policy and the legal obligations of the Institution. It is not required that the employees should use these terms to described themselves.

- a. **Gender Identity** - A person's internal, deeply felt sense of being male, female or something other or in-between, regardless of the sex they are assigned at birth. Every person possesses a gender identity.
- b. **Gender expression** - A person's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns and social interactions) that may be perceived as masculine or feminine.
- c. **Transgender** - A general term that can be used to describe people whose gender identity and / or expression his different from their sex assigned at birth.
 - i. A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female - to - male transgender person or FTM).
 - ii. A person whose sex assigned at birth was male but who identifies as female is a transgender women (also known as male - to - female transgender person or MTF).

iii. Some people described by this definition do not consider themselves transgender, but they may use other words, or may identify simply as a man or women. A person does not need to identify as transgender in order for an employer's non-discrimination policies to apply to them.

d. **Gender non-conforming** - This term aptly describes people who have, or are perceived to have, gender characteristics and / or behaviors that do not conform to traditional or societal expectations. These expectations may however, vary across cultures and over a period of time.

e. **Transition** - The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one or two step process that happens more quickly. Transition may include "coming out" (telling family, friends and co-employees); changing the name and / or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.

f. **Sexual Orientation** - A person's physical or emotional attraction to people of the same and / or other gender. Straight, gay and bisexual are some ways to describe sexual orientation. It is importance to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.

g. **LGBT** - A common abbreviation that refers to Lesbian, Gay, Bisexual and Transgender community.

Everyone has a - Sex Assigned at Birth, Gender Identity, Gender Expression and Sexual Orientation

SPECIFIC POLICIES

a. PRIVACY

Transgender employees possess the right to discuss their gender identity or expression openly or to keep the information private. The Transgender employee has the right to decide when, with whom, and how much to confide their private

information. Such information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy statutory requirements.

Management, Human Resources staff or co-employees should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the transgender employee's consent and with co-employees who really need to know to perform their jobs.

b. OFFICIAL RECORDS

The Institution will change an employee's official records to reflect a change in name or gender upon request by the concerned employee. Certain types of records, like such as those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. However as a policy the legal requirement for change of name will be relied upon.

A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Official records will also be changed to reflect the employee's new name and gender upon the employee's request, provided the legal requirements for change have been complied with.

As soon as possible, steps will be taken to update any photographs at the transitioning employee's workplace so that the transitioning employee's gender identity and expression are represented accurately.

If a new or transitioning employee has questions about the records maintained or ID documents, the employee should contact the HR departments.

c. NAMES / PRONOUNS

An employee has the right to be addressed by the name and pronoun that correspond to the employee's gender identity, upon request. A Court-Ordered name or gender change may be required or if the change is adopted by the Government in Aadhar Card, Driving License, Election ID etc., the same can be also be adopted by the Institution.

The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does

not correspond to the employee's gender identity) can constitute harassment and is a violation of this policy and can be punishable under the Conduct Discipline Rules. The preference of the transitioning employee may be also taken into account.

d. TRANSITIONING ON THE JOB

Employees who transition on the job can expect the support of the Management and Human Resource Department. The HR will work with each transitioning employee individually so as to ensure a successful workplace transition. Specific guidelines appropriate to the organizational structure can be addressed -

- Who is charged with helping a transitioning employee manage his/her workplace transition?
- What a transitioning employee can expect from the Management?
- What Management's expectations are for staff, transitioning employees, and any existing Lesbian, Gay, Bisexual, Transgender (LGBT) employee resource group in facilitating a successful workplace transition? And
- What are the general procedures for implementing transition - related workplace changes, such as adjusting Personnel and Administrative records, and developing an individualized communication plan to share the news with co-employees and clients, which may include patients.

A sample transition plan is attached to the end of this document.

e. SEX - SEGREGATED JOB ASSIGNMENTS

For sex-segregated jobs, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

f. RESTROOM ACCESSIBILITY

Employees shall have access to the restroom corresponding to their gender identity. Any employee who has a need or desire for increase privacy, regardless of the underlying reason, will be provided access to a single-stall restroom when available. No employee, however, shall be required to use such restroom. All

employees have the right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. That is, transgender women can be permitted to use the women's restroom and transgender men can be permitted to use the men's restroom. The option can be given to the transgender employee to determine the safest option for them.

Some transgender or non-transgender employees may desire additional privacy. Wherever possible, arrangements can be made for unisex single-stall restroom that can be used by any employee who has a need for increased privacy. For example, if any employee does not want to share a multi-person restroom with a transgender co-employee, they can make use of this kind of option, if available.

g. SAFE ROOM ACCESSIBILITY

All employees have the right to use the locker room that corresponds to their gender identity. Any employee who has a need or desire for increase privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area or using the locker room that corresponds to their gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

h. DRESS CODES

The dress codes will apply as per the Institutions policy. However the transgender and gender non-conforming employees will have the right to comply with the Institution's dress codes in a manner consistent with their gender identity or gender expressions provided the colour of the dress should be as per the code fixed by the institution.

i. DISCRIMINATION / HARASSMENT

The Institution's policy does not discriminate in any way against any employee because of the employee's actual or perceived gender identity and it is also unlawful to retaliate against any objecting to, or supporting enforcement of legal protection against, gender identity discrimination in employment.

The policy includes creating a safe work environment for transgender and gender non-conforming employees. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action and providing employees and staff with appropriate resources, apart from disciplinary action for harassment.

j. HEALTH INSURANCE BENEFITS

Depending upon the policy and sanction of the Management, provision may be made for Health Insurance Contracts that include coverage for transition related care.

1. WORK PLACE TRANSITION PLAN

The Workplace Transition Plan addresses some of the processes that may occur within the Institution during an employee transition. The plan has been made to customize to fit the Institutions staffing structure and procedures and which may be modified individually with each transitioning employee to meet their individual needs.

A. PRIOR TO THE TRANSITION AT THE WORKPLACE

- The transitioning employee should get together with their selected first point of contact to make them aware of the employee's upcoming transition.

Usually the point of contact will be the HR department, where the employee will be informed about the Institution's transgender - related policies and the availability of transition related health care benefits.
- A meeting will be arranged between the transitioning employee and employee's supervisor and others, if decide by the transitioning employee. The Management should be also made aware of the employee's planned transition so that the authorities can express their support when the employee's transition is made known to the employee's work team.
- The employee concerned, the employee's immediate supervisor and representative from HR should meet and discuss about all of the individuals who will be needed to be included in the workplace transition plan. All members of this transition team should familiarize themselves with the

Institution's policies and other relevant resources to provide educational information about transgender issues, within a fixed time frame.

- While creating the Workplace Transition Plan, the following areas should be addressed -
 - i. The date when the transition will officially and formally occur. This means the date that the employee will change their gender expression, name and pronouns. The transitioning employee may choose to begin using the restroom and locker room associated with their gender identity on the said date.
 - ii. The format in which the transitioning employee's co-workers should be made aware of the employee's transition. It is up to the transitioning employee to decide if they would like to make some co-workers aware of their transition on a one-on-one basis before it is officially announced.
 - iii. Training to be given to co-workers if required.
 - iv. Updates that should be made to the transitioning employee's record and when they should be made.
 - v. Determining dates of any leave that may be needed for pre-scheduled medical procedures.
 - vi. Ensuring that all name changes and photographs are updated in advance so that they can go live on the transition date, which may include email addresses.

B. THE DAY THE TRANSITION WILL BE MADE KNOWN TO THE WORK TEAM

- A meeting may be conducted with the work team that includes the transitioning employee, employee's supervisor, the employee's co-workers and any other team or regional leadership if they are able to attend. A handout about transgender issues can be provided at this meeting.
- The head of the employee's work team should announce the transition, along with any other high level Management who are there in order to

show solidarity for the transitioning employee. The following may be ensure -

- i. Emphasizing the transitioning employee's importance at the Institute and the Management's complete support of the employee's transition.
- ii. Reviewing the Institution relevant non-discrimination policies
- iii. Indicating that the transitioning employee will be presenting themselves in accordance with their gender identity which will be respected and the HOD should also advice the co-workers about the transitioning employee's new name and preferred pronoun.
- iv. Using the transitioning employee's new name and pronoun in all communication-written and oral, formal and informal.
- v. The transition will not change the workplace and that everything will go on as it did previously.
- vi. Referring any related questions to the head for the answers or to the HR.
- vii. In case of training, the date should be announced at this meeting and should occur before the date of employee's official workplace transition.

C. THE FIRST DAY OF THE EMPLOYEE'S OFFICIAL WORK PLACE TRANSITION

- The transitioning employee's supervisor should be clear that all requirements are in place in the same manner which would be for a new hired or transferred employee, which may include -
 - i. Making sure that the transitioning employee has a new ID badge and photo if necessary.
 - ii. Ensuring all work documents have the appropriate name and gender and checking that these have been changed in all of the places an employee's name may appear.

A Gender Care Team (GCT) is duly constituted to go into all details pertaining to transgender issues, including statistics on numbers of Trans patients who underwent surgery, Post Operative Feedback, Transgender Urology Camp,

Hormone Replacement Therapy (HRT), issues in Trans men surgeries etc. and any other related procedural issues.

INVOLVEMENT OF MEDIA, IF ANY

The aggrieved or the Offender will not be eligible to contact the print and visual media on any issue related to the interim redressal or complete verdict.

INVOLVEMENT, IF ANY OF MAJOR FINANCIAL IMPLICATIONS CONCERNING EXTERNAL AGENCIES

The financial implications would denote compensation to the aggrieved and external agencies would not figure either in the redressal or the punitive measures inflicted

EXCEPTIONS, IF ANY

Not applicable

ANY OTHER PERTINENT DETAILS

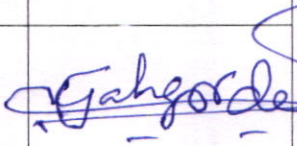


Not applicable

ENQUIRIES

All enquiries, in confidence, should be addressed to the Legal Officer, SBV with a copy marked to the Registrar

APPELLATE AUTHORITY

For all difficulties pertaining to this policy, the power to remove difficulties rests with the Vice Chancellor.

Sl.No	Role	Name	Designation	Signature
1	Prepared by	Dr. Sameera Mahamud Jahagirdar	Senior Resident, Department of Critical Care Medicine, MGMCRI	
2	Reviewed by	Dr. Ralph Alexander Mathew	Legal officer & Head, HR, SBV	
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Approved by: Prof. K.R. Sethuraman, Vice Chancellor, SBV: 