

Gender Affirmation

Policy

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1 Welcome and Introduction

The Smith Family is committed to supporting diversity, equity & inclusion in the workplace and ensuring all team members are treated with dignity and respect. We promote a workplace where team member attributes including sex, gender identity, sexual orientation, cultural background, age or abilities are valued and where all team members feel safe, welcome, and included.

2 Scope

This policy applies to all team members of The Smith Family engaged in activities connected with their role or responsibilities at The Smith Family, including work related activities that occur both on and off Smith Family premises. The policy also covers The Smith Family Board, volunteers, job candidates, contracted employees, student placements, and covers team member interactions with all internal and external parties.

3 Purpose

This policy is intended to provide guidance for all team members when a person chooses to affirm their gender whilst employed or engaged by The Smith Family.

The Smith Family is committed to working with the team member affirming their gender, their managers, team and other team members to ensure everyone is supported. This is an individualised process which varies in length, stages and complexity; and will be unique to the individual based on their personal, social and health needs.

This Policy is intended to provide information, tools and resources to support a person-centred approach to gender affirmation. As each individual's process is different it is imperative that the person affirming their gender drives their own process, including how, when and to whom they wish to share any personal information. When a team member decides to affirm their gender, there may be circumstances that are not covered by this policy, and these will need to be considered sensitively and on a case-by-case basis.

4 Definitions

The Smith Family recognises that everyone's gender affirmation journey is unique and personal to them. Gender affirmation may include the following pathways:

- **Social affirmation** such as changing their name, pronouns or appearance for example, hair removal;
- **Medical affirmation** across a range of gender affirmation therapies including but not limited to, mental health support, hair transplants, speech and vocal training, surgical procedures, and hormonal therapies
- **Legal affirmation** such as updating their name or gender at work or on official documents, records or forms of identification.

The following terms are used throughout this policy:

- **Affirmed gender** refers to an individual's gender self-identification, rather than the gender that was assumed based on the sex they were assigned at birth.
- **Gender** The term 'gender' refers to the way in which a person identifies or expresses their masculine or feminine characteristics. Gender is generally understood as a social and cultural construction. A person's gender identity or gender expression is not always exclusively male or female and may or may not correspond to their sex.

- **Gender equity** is the process of being fair to all genders (men, women and gender diverse people) in decision-making and the provision of resources and the addressing of imbalances. It recognises that within all genders, there are different benefits, access to power, resources and responsibilities.
- **Gender equality** occurs when there are equal outcomes for women, men, and gender-diverse people.
- **Gender identity** refers to a person's deeply held internal and individual sense of gender.
- **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.
- **Transgender / Trans / Gender Diverse** are umbrella terms that describe people who identify their gender as different to what was assigned to them at birth. Some trans people position 'being trans' as a history or experience, rather than an identity, and consider their gender identity as simply being female, male or a non-binary identity. Some connect strongly with their trans experience. The processes of transition may or may not be part of a trans or gender diverse person's life.
- **Transition** refers to the process undertaken by a trans person to align their perceived gender with their gender identity. Transitioning is a holistic process that varies dependant on individual needs and circumstances. It can describe a myriad of processes and procedures across social, legal and medical domains.

5 Policy

The Smith Family recognises, values and celebrates the diversity of its community and is committed to creating an inclusive environment where all team members can fully participate, contribute, and thrive. The Smith Family aims to prevent discrimination on any basis, including gender identity or gender expression.

1. Gender expression may be a significant part of gender affirmation and may manifest in many ways, including but not limited to gender non-conforming presentations. The Smith Family is committed to providing a safe, respectful and inclusive environment for all forms of gender expression, including through dress and personal presentation.
2. The Smith Family respects the right of all team members to choose their name, pronouns and descriptors. All team members are expected to respect this right.
3. The Smith Family in office locations that it has control over will provide a range of safe and accessible bathroom facilities. The Smith Family recognises the right of transgender and gender diverse team members to use the facilities they choose as the most appropriate for them.
4. Resources to assist team members of The Smith Family to affirm their gender will be made available, communicated, and supported. Resources will include education and awareness sessions, information on SmithNet and an ally program.

The Smith Family team members are entitled up to 5 days' paid leave for gender affirmation during each year of service. This leave is in addition to a team member's entitlement to annual and personal leave.

Gender affirmation leave is available for team members who require time away to access gender affirming care. This may include (but is not limited to) attendance at medical, counselling or legal appointments, recovery from surgery or when a team member is seeking assistance to change their name, pronouns or appearance.

6 Entitlements

Gender Affirmation Leave:

- is available in full at the beginning of each calendar year;
- unused leave is cumulative from year to year with a cap of 10 days;
- is available in full to part-time team members; and
- will not be paid out upon termination of employment.

A team member may take gender affirmation leave as:

- a single continuous 5-day period; or
- a continuous period up to the cap of 10 days; or
- separate periods of one or more days each; or
- any separate periods to which the team member and The Smith Family agree, including periods of less than one day.

Team members who take paid gender affirmation leave will receive all entitlements, benefits and allowances that they would otherwise receive had they been at work for the period that they are on leave. Gender affirmation leave can be taken in conjunction with other forms of paid leave.

7 Notice requirements

Where possible, The Smith Family requests that a team member gives their line manager or a People and Culture representative notice of the taking of leave under this policy. If notice can be given, it should:

- be given to the line manager or People and Culture as soon as practicable (which may be a time after the leave has started); and
- advise the line manager or People and Culture of the period, or expected period, of the leave.
- Where reasonable, The Smith Family may request the production of satisfactory evidence of such an event or a statutory declaration indicating that the individual was not fit for work.

8 Confidentiality

The Smith Family respects team members rights to privacy and confidentiality. Team members are not required to disclose medical information to their line manager, People and Culture or other team members of The Smith Family. A person can elect whether or not to disclose their gender identity at work and such information will remain confidential unless agreed.

To maintain confidentiality gender affirmation leave will be recorded as 'Special Leave' in The Smith Family systems.

9 Gender affirmation plan

The Smith Family is committed to supporting team members in all stages of their gender affirmation journey and recognises that this will be unique to each person's individual circumstances.

There is no requirement for any person to inform The Smith Family of their intention to affirm their gender. However, if a person chooses to seek assistance from the TSF, appropriate, sensitive and informed advice and assistance will be available. People are encouraged to have a support person of their choosing present during any discussions with their manager or a People and Culture representative. Assistance can be in

the form of a Gender Affirmation Plan which enables team members, their managers and their People and Culture representative to agree the steps the team member wants to take in the workplace and may include (but not limited to):

- identifying support people they would like to attend meetings with (medical professional, ally, friend or family member);
- how, when and by whom information is to be communicated to their immediate team, colleagues, The Smith Family team members, internal or external stakeholders and clients/customers;
- identify any records or systems that need to be changed and who will need to be notified to make any changes;
- timelines and milestones which may change or need to be flexible;
- flexible work arrangements;
- leave requirements;
- name and pronoun use;
- responsibilities of the team member, their manager and People & Culture; and
- training for team members to develop understanding and raise awareness.

All discussions with team members affirming their gender will occur in a respectful, sensitive and confidential manner.

Managers who have been approached by a team member in relation to affirming their gender should, with consent from the team member, seek advice from their People and Culture representative in the first instance.

10 Gender expression and presentation

All team members are encouraged to dress and present in a way that is consistent with their affirmed gender. Team members who work in uniformed environments are required to comply with the uniform and occupational health and safety requirements of their workplace.

11 Confidential

Avenues for advice and counselling available to team members include:

Employee Assistance Program: Team members and their immediate family can contact Sonder 24/7 for free confidential counselling and advice by:

- downloading and registering to use the app - use the QR code to find the link, or search "Sonder: Wellbeing & Safety" in the Apple Store or Google Play.
- use your TSF email to register.
- on request, Sonder are able to provide access to counsellors who specialise in sexual or gender identity issues.
- for further information please refer to the following link [SONDER - a complete care platform for team members and their families](#)

People and Culture Representative: Your People and Culture Representative is available for support and advice in relation to this policy.

A range of other external resources as detailed under 'Further Resources' in Appendix 1 of this Policy.

12 Harassment

Harassment, in any form, is strictly prohibited. Harassment includes, but is not limited to, unwelcome comments, actions, or behaviours that demean, intimidate, or harm individuals based on their gender identity or expression. This encompasses any discriminatory practices that target an individual's transition, chosen pronouns, or gender presentation.

Examples of harassment related to gender affirmation may include:

- telling someone else about a person's sexual orientation or gender identity without their approval (also referred to as "outing").
- deliberate or continued misgendering, or refusal to use an individual's correct pronouns or chosen name.
- inappropriate or invasive questions about an individual's gender identity or transition process.
- offensive jokes, comments, or gestures related to an individual's gender identity.
- any form of physical or verbal abuse based on an individual's gender identity or expression.
- continued use of terms that are considered gendered by the individual

Team members are encouraged to report any incidents of harassment to their line manager or People and Culture team. All complaints will be managed in accordance with The Smith Family's Grievance Resolution Policy and Procedures.

By fostering a culture of respect and affirmation, we aim to support the well-being and professional development of all employees, allowing everyone to thrive in an environment free from discrimination and harassment.

13 Discrimination

It is unlawful to treat a person less favourably than another person in a similar situation because of:

- that person's gender-related identity, appearance, mannerisms or other gender related characteristics of the person; or
- because that person has physical, hormonal or genetic features that are:
 - neither wholly female or wholly male;
 - a combination of female and male; or
 - neither female nor male.

It does not matter what sex a person was assigned at birth or whether the person has undergone any medical intervention.

Engaging in conduct that constitutes discrimination will be regarded as misconduct and could be grounds for disciplinary action, up to and including summary dismissal.

Please see The Smith Family Discrimination, Bullying and Harassment Policy for more information.

14 Forms of address

It is important that team members are treated with respect and therefore addressed according to their chosen names and pronouns.

A team member may change their preferred name at any time during their employment with The Smith Family. If a team member has changed their legal name, The Smith Family records can be changed. Where possible, historical documentation should be updated so that a team member is not required to

revisit their transition process with new leaders or in new roles. The Smith Family commits to advocating with suppliers of digital systems for team members to be addressed by their chosen names and pronouns, even where legal names are still required to be recorded.

15 Related Documents and Links

[Grievance Policy](#)

[Code of Conduct](#)

16 Further References

A Gender Agenda

Gender Agenda provides social support, events, workshops, advocacy, training, policy advice and resources. They utilise a community development approach in their work that values the voices of lived experience.

<http://www.genderrights.org.au/>

Diversity Council of Australia

Diversity Council Australia is the only independent, not-for-profit workplace diversity advisor to business in Australia, offering a unique knowledge bank of research, practice and expertise across diversity dimensions developed over more than 25 years of operation.

<https://www.dca.org.au/>

Federal Government

The Australian Government Guidelines on the Recognition of Sex and Gender standardise the evidence required for a person to establish or change their sex or gender in personal records held by Australian Government departments and agencies.

[Australian Government Guidelines on the Recognition of Sex and Gender | Attorney-General's Department \(ag.gov.au\)](#)

Pride in Diversity

Pride in Diversity is Australia's first and only not-for-profit employer support program designed for LGBTIQ+ workplace inclusion. Pride in Diversity are able to provide training and advice in relation to gender affirmation to support team members, their colleagues and managers.

<https://www.prideinclusionprograms.com.au/>

QLife

QLife provides Australia-wide anonymous, LGBTI peer support and referral for people wanting to talk about issues including sexuality, identify, gender, bodies, feelings or relationships. QLife services are delivered by trained LGBTI community members across Australia.

<http://www qlife.org.au/>

The Gender Centre Inc

The Gender Centre develops and provides services and activities to enhance the ability of transgender and gender diverse people to make informed choices. Their website contains articles and other educational material for the public about the needs of transgender and gender diverse people. It is the peak state-wide multidisciplinary centre of excellence which provides a broad range of specialised services that enables the exploration of gender identity and assistance with the alleviation of gender dysphoria.

<http://www.gendercentre.org.au>

Transgender Victoria (TGV)

Transgender Victoria (TGV) is the leading body for trans and gender diverse advocacy, training and resource development in Victoria. Transgender Victoria educates organisations and workplaces on how to provide better services for transgender and gender-diverse (TGD) people and seeks ways to provide direct services to the transgender and gender-diverse community, whether in partnership with others or independently. In addition, Transgender Victoria works to achieve justice, equity and inclusive service provision for trans and gender diverse people, their partners, families and friends.

<http://www.transgendervictoria.com/>

Trans Health South Australia

Trans Health South Australia provides resources for the Gender Diverse Community of South Australia to seek support and social engagement. It is also the home of the SA Practitioners List

<http://www.transhealthsa.com>

TransHub

We are proud to bring you TransHub, ACON's digital information and resource platform for all trans and gender diverse (TGD) people in NSW, our loved ones, allies and health providers.

<https://www.transhub.org.au>

17 Document information

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