Including non-binary people: guidance for service providers and employers

Scottish
Trans

Equality
Network

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INTRODUCTION

This guidance is a resource for service providers and employers who want to ensure they are inclusive of non-binary people. Based on findings from a survey done by the Scottish Trans Alliance of 895 non-binary people from across the UK, the guidance will present some of the most common problems of exclusion that participants identified, as well as suggestions for how to remedy these problems.

The guidance will provide you with the foundations to start thinking about how simple changes to your policies and practice can ensure that you are creating an inclusive service or workplace in which non-binary people can participate.

Many of these tips will help to make your service or workplace more inclusive of many gender non-conforming and LGBT people, not just those who are non-binary.

This guide is intended to be a useful starting point in making your service or workplace more non-binary inclusive. If you are interested in further information

and ideas or organising non-binary specific training for your organisation, please get in touch with the Scottish Trans Alliance, and we will be happy to help.

If you are interested in reading more about the findings from the survey from which this guidance is drawn, you can find it at **www.scottishtrans.org/non-binary**.

WHAT DO WE MEAN BY NON-BINARY?

The Scottish Trans Alliance works to improve gender identity and gender reassignment equality and human rights for all transgender people in Scotland. We use the word transgender as an inclusive umbrella term for trans men, trans women, non-binary people, and cross-dressing people.

Some people feel that their gender identity cannot be simply defined by the expected binary terms of 'man' or 'woman'. Instead, they experience their gender in another way. Typically, we refer to this group of people as being 'non-binary'. The term non-binary refers to a person:

> **identifying as either having a gender which is in-between or beyond the two categories 'man' and 'woman', as fluctuating between 'man' and 'woman', or as having no gender, either permanently or some of the time**

There are many diverse ways of identifying under the non-binary umbrella – and you can find a glossary of trans terminology at the back of this guide.

TRANS UMBRELLA

Trans Non-Binary People

Trans Men

Trans Women

Cross-Dressing People

WHY DOES THIS MATTER?

Our survey found that many non-binary people did not feel comfortable being out about their identity to services or in the workplace.

SERVICES

- 69% never felt comfortable being out to the police

- 60% never felt comfortable being out to general NHS services

- 50% never felt comfortable being out to their GP

- 48% never felt comfortable being out in other public services

- 38% never felt comfortable being out in education

- 37% never felt comfortable being out to sexual health services

- 33% never felt comfortable being out to charities/voluntary organisations

- 29% never felt comfortable being out to mental health services

- 4% never felt comfortable being out to LGBT services

31% of our survey respondents told us they had avoided interacting with public services because of fear of being harassed, being outed, or being read as non-binary.

EMPLOYMENT

- 52% never felt comfortable being out at work

32% of our survey respondents told us that they had avoided workplaces/opportunities because of fear of being harassed, being outed, or being read as non-binary.

As things stand, service providers and employers are not creating an inclusive enough atmosphere for non-binary people to feel comfortable engaging with them.

This guidance will provide you with practical tips to ensure that you can build on your existing equality and diversity practices to ensure they extend to non-binary people.

SERVICES AND EMPLOYMENT: TOP TIPS

1. Education, training and awareness

2. Redesign forms

3. Names and pronouns

4. Gender neutral facilities

1. EDUCATION, TRAINING AND AWARENESS

> "I think that there needs to be more general awareness and acceptance of non-binary identities. A lot of the issues I've seen do not seem to be caused by conscious discrimination, but rather erasure since a lot of people don't know/believe these gender identities exist."

Non-binary people highlighted an increased level of knowledge about their identities as the highest priority for ensuring greater inclusion in services and from employers.

Ensure that your staff have trans awareness training, and that this covers issues faced by and ways to include non-binary people, as well as trans men and trans women.

"Sensitivity training or education of trans identities and genders other than male and female for employers might help non-binary people to feel more comfortable coming out to bosses and colleagues."

2. REDESIGN FORMS

"Even just adding an 'other' option to gender boxes would go a really long way to improving inclusivity; not only because non-binary people would no longer be forced to misgender themselves, but also because, I believe, cis people would see the 'other' options and the concept of genders outside the binary would slowly become more normalised."

Think about the way your service or job application forms ask questions about people's gender. Are the only options on your forms 'male' or 'female'? This places non-binary people in a position where they can't tell you accurately about who they are, and also indicates to them that a service or employer may not be aware of gender identities other than 'man' or 'woman'. Redesigning your forms will indicate to non-binary people that you know they exist and you welcome them into your service or workplace, and it will also let you know how many non-binary people you may be working with.

Consider asking questions about gender in the following way:

How would you describe your gender identity?

☐ Man ☐ Woman ☐ In another way ☐ Prefer not to say

If you would like to, please tell us what other words you use to describe your gender identity:

"The simple act of including more than two gender options when filling out forms to apply for work is a great first step at letting a non-binary person know that this might be an atmosphere in which they can be respected."

3. NAMES AND PRONOUNS

"Try to ensure that all staff, volunteers, paper work and so on respects people's pronouns, the names they prefer to go by…"

In Scotland, there is no such thing as a "legal name". People are able to use different names for different things, as long as they are not doing so in order to

behave in a fraudulent manner. Make it clear to service users and employees that you are happy for them to be known by whichever name they wish, and this does not need to be the one on, for example, their birth certificate. Many non-binary people use the gender neutral pronoun 'they'. When meeting new people, ask them what pronouns they would like you to use for them:

"What pronouns do you use?"

Also consider adding a field to your intake forms that ask about people's pronouns. Often, once you know someone's name and pronouns, there may be no further need to talk to them about their gender identity: it will simply ensure you are talking to them and about them in a respectful way. An example of an inclusive intake form could be:

Your Contact Details
Please tell us your preferred name, even if different from your legal name.

Initials or forename: [   ] Surname: [   ]

What pronouns do you use? (i.e. he / she / they):

[   ]

Ensure that staff respect people's pronouns, and if mistakes are made to apologise, correct themselves, and move on.

Finally, many non-binary people use a gender neutral title, or prefer not to use a title at all. Where possible, you should allow people to opt out of selecting a title (including in online forms), and also provide a gender neutral option. The most popular gender neutral title is 'Mx', which is already available on many bank cards and on driving licences.

4. GENDER NEUTRAL FACILITIES

> "A HUGE step is to have gender neutral bathrooms wherever possible. This would be a big deal to non-binary and binary trans people, as I've not heard a single transgender person not have some worries regarding the bathroom."

As the quote above demonstrates, having gender neutral facilities would prevent non-binary people having to "pick" one of two options that doesn't fit them. It would also allow trans men and trans women who were concerned about reactions they may face in toilet facilities to feel at ease and not worry about facing discrimination.

How about changing rooms? If all changing rooms are locked, private cubicles, is there any reason to designate one set 'M' and one set 'F'?

ALL GENDER TOILET

Best practice for creating signs for toilet facilities is for signs to show what facilities are in the bathroom, rather than what types of people would be entering the bathroom. So a sign could show just a picture of a toilet, or a picture of a toilet and a urinal.

SERVICES: TOP TIPS

1. Inclusive language

2. Reduce emphasis on gender

3. Greater visibility

4. Remove assumptions

1. INCLUSIVE LANGUAGE

> "They could use more inclusive language, for example instead of 'his/hers' or 'son/daughter' you could say 'their' or 'child' which is inclusive of everyone. That's one of the littlest things but it really gets me."

Language used by your staff and in your information leaflets, on posters, on your website etc. give non-binary people cues about whether or not your service has thought about them. Typically, people default to very binary language without thinking — but small changes can really impact on whether or not non-binary people feel welcome.

Inclusive language: a non-exhaustive (!) list of examples:

Binary language	**Non-binary inclusive language**
He/she	He/she/they
Open to both genders	Open to all genders
Ladies and Gentlemen	Honoured Guests
Dear Sir/Madam	To whom it may concern
Mothers and fathers	Parents/Carers/Guardians
Husband/Wife	Spouse
Brother/Sister	Sibling
Men and Women	People/Everyone

Review the information you are making publicly available to people: does it use language that reinforces binary ideas of gender unintentionally? Are you able to convey the same information whilst using more inclusive language?

2. REDUCE EMPHASIS ON GENDER

"I just want it to not be hyper visible when you want to not be gendered. At the bank, at the returns desk at IKEA... Can we just de-gender these interactions??"

There are many times where recording gender may be important for your service – for example if you want to know if you are reaching enough women, if you want to start a new group just for non-binary people, or if your funding is based on you providing activities to people of all genders.

For things such as monitoring, and gender-specific activities and projects, it is fine to ask about and highlight gender.

However, are there times when you are asking your service users about gender, or highlighting their gender, when it isn't really relevant? Example:

A receptionist at a health centre is told that they must greet all people by saying "Good morning Sir" or "Good morning Ma'am". A young person who looks very androgynous is waiting in a queue behind two people.

They can hear that the receptionist is greeting the people ahead of them in this way. They are quite nervous about which of the two words the receptionist might use for them, as they identify as agender, and don't want to be read as a man or a woman.

When they reach the front of the queue, the receptionist glances at them, begins "Good morning S..." becomes unsure, and finishes "Ma'am". Both the young person and the receptionist are rather embarrassed, and the person behind the young person in the queue stares at them as they walk away and laughs a little to themself.

By changing your policy to one that asks staff to greet service users using words that don't make reference to their gender, situations like this are easily avoided. This doesn't only help non-binary people, but all gender non-conforming people, from being misgendered unnecessarily.

Also consider: if you issue service users with ID cards (i.e. a library card or a gym membership) does their gender need to be recorded on it? If it states their name and has a current photo, why would their gender need to be stated?

3. GREATER VISIBILITY

Respondents to the survey told us that there were two ways to approach greater visibility to improve inclusion of non-binary people:

a) Include non-binary people in images, information, and in stories of experiences

> "Try to show non-binary people as valid and normal (e.g. if promotional material includes examples of people's experiences with the services, include those of non-binary people, without showing them as being too different to the others)."

Of course – there is no particular way that non-binary people look. But consider using diverse imagery that shows people with a wide range of gender expressions, not just those that are typically masculine and typically feminine.

b) Make it obvious to non-binary people that they are welcome by displaying anti-discrimination messages

> "They could have some small symbol or logo or even just a simple statement on display...to say that they do not discriminate against people of any identity (both gender and non-gender related)."

If you consider the statistic in the introduction that 31% of survey respondents avoided interacting with public services due to fear of being harassed, being outed or being read as non-binary – ensuring that

welcoming and inclusive messages are prominently displayed could help to immediately remove these fears.

4. REMOVE GENDERED ASSUMPTIONS

> "Make less gendered assumptions including those about genitals, sexual preference, sexual practices, pronouns, relationship status…"

Respondents talked about how staff in services could make fewer assumptions about people's gender identities; particularly based on their presentation, or what their gender identities might mean about the rest of their lives.

If a staff member doesn't know someone's gender, and is introducing them to another member of staff or other service users, it is good practice to use gender neutral language rather than guessing and misgendering the person in question based on what they look like, or what their name is:

"This is Alex; it's their first time coming along to the group. I hope you will all make sure they feel welcome!"

Another area respondents highlighted around assumptions were specifically around sex and relationships: staff in services would assume they were having certain types of sex, or were dating only certain genders, based on either their gender identity or gender expression.

Removing these assumptions, and ensuring that you ask before using language that reinforces these assumptions, will help make your service more inclusive to all LGBT people.

Respondents also told us about a few other ways you could make your services more inclusive:

- Healthcare services should take the lead on including non-binary people.

- Services should make sure to employ non-binary people.

- Services should tackle intersecting forms of discrimination – also focusing on race, ethnicity, nationality, disability, age, sexual orientation, gender etc.

- Services should emphasise confidentiality when dealing with people's gender identity.

EMPLOYMENT: TOP TIPS

1. Policies to deal with discrimination, harassment and bullying

2. Remove gender stereotyping and assumptions

3. Remove gendered dress codes

4. Explicit inclusion

1. POLICIES TO DEAL WITH DISCRIMINATION, HARASSMENT AND BULLYING

> "Employers should support their non-binary employees, and protect their right not to be harassed or misgendered at work by employees, company partners, associates or customers."

Respondents stressed the importance of explicit inclusion of non-binary people in bullying & harassment policies for the workplace, but also that these must be properly enforced by employers.

Do you have an anti-bullying policy for your workplace? Do you have an equality and diversity policy? If you don't – you should!

Make sure that this policy names trans people as explicitly included, and expand on this to make it clear that this covers all trans people.

The Scottish Trans Alliance are happy to work with you on ensuring that your policies are up to date and provide the foundations for a safe and inclusive environment for all of your trans employees.

2. REMOVE GENDER STEREOTYPING AND ASSUMPTIONS

"Stop gendering things which don't need gendering (e.g. workplace events & activities for 'girls' / 'boys'). Foster a culture where binary gender divisions are not encouraged."

Respondents talked about how removing gender stereotyping in the workplace, and the assumption that everyone will identify as either a 'man' or a 'woman' would improve non-binary inclusion.

"Not gender customers, products etc. as a rule"

People mentioned a range of ways in which this would be possible – i.e. by using more gender

neutral language, removing work activities that were split up into 'men' and 'women' etc.

> "I think gender equality across the board would really improve things for non-binary people – I think most employers would think of the process of applying for a job as non-gendered, but it definitely isn't."

3. REMOVE GENDERED DRESS CODES

> "Institute dress codes that are either gender neutral, (if women can e.g. wear nail polish, long hair, earrings, heels, skirts, then so can AMAB [assigned male at birth] individuals; or if men can wear suits, ties, and no make-up, then so can AFAB [assigned female at birth] individuals), or have specific dispensations for people who are non-binary."

A number of respondents highlighted that they felt uncomfortable in workplaces where there were separate 'men's' and 'women's' dress codes. Even if they were happy to wear either of the uniforms, this would still place them in a position where they would be seen to identify themselves as a 'man' or a 'woman' through what they chose to wear to work.

Furthermore, having binary gendered dress codes relies on stereotypes on what men or women should be wearing – by allowing people of all genders to wear any clothes that are appropriate for your workplace, this helps all people to feel comfortable, not just non-binary people.

4. EXPLICIT INCLUSION

"I think it is mainly about fostering the right sort of culture and environment within an organisation, so that there is an expectation that comes from the top that people are valued regardless of gender identity (and regardless of a range of other attributes such as sexuality, ethnicity, disability, age etc.). Without this, all the correct systems and procedures can be in place but in practice of little value to non-binary people."

Respondents highlighted the importance of employers and workplaces advertising the fact they are inclusive of non-binary people, and ensuring that policies intended to foster this kind of environment were implemented fully into the ethos of an organisation.

This means that inclusive policies need to be combined with knowledge and awareness raising

amongst staff. This will ensure that everyone in the workplace understands why such policies exist, and feel comfortable and confident in adhering to and enforcing them.

Respondents told us about a few other ways you could become a more inclusive employer:

- Better in-workplace monitoring forms so people can express their gender identity accurately.

- Difficulty of the interview process; there should be less emphasis on clothing and assumptions made about candidates at this stage.

- Flexibility where people may not have documents that match their current name/ gender identity.

GLOSSARY

It is important to remember that language around trans issues is constantly changing and evolving. Particularly as many terms are related to people's personal identities, the terms may be used by different people to mean different things. This is a non-exhaustive list of some of the terms used in this report and our current understandings of their definitions.

AFAB/FAAB
Assigned female at birth/Female assigned at birth.

AMAB/MAAB
Assigned male at birth/Male assigned at birth.

Assigned sex at birth
When a baby is born, a doctor will normally declare "it's a boy" or "it's a girl" based on the babies external genitals (sometimes this is not the case if a baby is born with a visible intersex condition). A baby is then expected to grow up to identify as the gender that "matches" with their body – so a baby born with a penis is expected to grow up and be a boy.

Cisgender/cis

A person who identifies with the sex they were assigned at birth. Cisgender is the word for anyone who is not transgender.

Cissexism

The set of norms in society that enforce ideas about the gender binary, and assumes that everyone will identify with their assigned sex at birth.

Cross-dressing person

A person who occasionally wears clothing and/or makeup and accessories that are not traditionally associated with the sex they were assigned at birth.

Gender binary

The dominant idea in Western society that there are only two genders ('man' and 'woman'), that all people are one of these two genders, and that the two are opposite.

Gender dysphoria

Refers to a person's sense of distress or discomfort around some aspect of their gender experience. This can be body dysphoria (i.e. a trans person who is distressed about having a penis, or a trans person

who is distressed about their face or body hair), or it can be social dysphoria (i.e. a non-binary person who is distressed about people assuming they are female when they meet them, and using gendered language to refer to them).

Gender expression
Refers to all of the external characteristics and behaviours that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.

Gender identity
Refers to how we see ourselves in regards to being a man or a woman or somewhere in between/beyond.

Gender reassignment
The language used in the Equality Act 2010 to refer to any part of a process of transitioning to live in a different gender (regardless of whether any hormonal or surgical changes take place).

Intersex
Umbrella term used for people who are born with variations of sex characteristics, which do not always

fit society's perception of male or female bodies. Intersex is not the same as gender identity or sexual orientation.

Misgender/misgendering
When somebody makes incorrect assumptions about your gender or refuses to accept your gender and uses language that makes this apparent, such as pronouns or gendered language like 'sir' or 'madam'.

Non-binary person
A person identifying as either having a gender which is in-between or beyond the two categories 'man' and 'woman', as fluctuating between 'man' and 'woman', or as having no gender, either permanently or some of the time.

Passing
Being seen or read as a certain gender. Most often, this refers to being read as the gender you identify as e.g. a trans man being read as a man. Sometimes, trans people may try and pass to avoid having to out themselves – such as a non-binary person trying to pass as either a man or woman.

Pronouns

The way someone refers to you. The most commonly used pronouns are 'she/her/hers', normally used for women, and 'he/him/his', normally used for men. Some people will use gender neutral pronouns, such as the singular 'they/them/theirs' or 'ze/hir/hirs', and some people will use a mixture of pronouns. It is not always possible to know someone's gender identity from the pronouns they use.

Transgender/trans

Equivalent inclusive umbrella terms for anyone whose gender identity or gender expression does not fully correspond with the sex they were assigned at birth. At the Scottish Trans Alliance, we use trans to refer to trans men and trans women, non-binary people, and cross-dressing people.

Transition

The process of changing the way you live in order to match up with your gender identity. Examples of transitioning include changing your name, asking people to use different pronouns for you, and changing the way you express your gender. For some people, this will involve medical treatments such as hormone therapy and surgery.

Trans man
A person who was assigned female at birth but has a male gender identity and therefore transitions to live fully as a man.

Transphobia
Discriminatory or prejudiced actions or ideas related to someone's actual or perceived gender identity or gender expression.

Trans woman
A person who was assigned male at birth but has a female gender identity and therefore transitions to live fully as a woman.

Large print

If you need this document in larger print or another format or language, please contact us on 0131 467 6039 or info@scottishtrans.org.

This document is available in PDF format on our website: www.scottishtrans.org/non-binary

Scottish Trans

Scottish Trans Alliance is the Equality Network project to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

Equality Network

The Equality Network is a national lesbian, gay, bisexual, transgender and intersex (LGBTI) equality and human rights charity for Scotland.

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