

Welsh Government – Supporting non-binary people

“It’s a boy” or “it’s a girl” are often the very first words that a person hears in their life. They are assigned that gender from birth. However, not everybody finds that either of these labels describes who they are. This guide has been designed to navigate people through the concept of someone being non-binary and provide some helpful tips for being inclusive of non-binary people.

Gender

Gender refers to a range of characteristics including

- social role
- a person’s sense of themselves as being female, male or non-binary
- and in some circumstances physical attributes.

Gender is a complex field and what it means to be male or female depends upon the cultural context and the time and place. Gender is often expressed in terms of masculinity and femininity, but there is no singular definition of what it means to be a man or a woman or non-binary.

Gender Identity, Gender Expression and Sexual Orientation

Gender Identity refers to "an individual's gender-related identity, whether or not that identity is different from that traditionally associated with that individual's assigned sex at birth, including, but not limited to, a gender identity that is transgender or androgynous."¹ This is something that is personal to each and every person, with many experiencing this as a spectrum that goes beyond the traditional binary classification of male and female. People are still exploring how they articulate these personal experiences but there is a growing acceptance and visibility of non-binary people across society.

Gender expression refers to those behaviours, mannerisms, patterns of speech and modes of dress that are interpreted as “masculine”, “feminine” or neither.

Gender identity and gender expression are often confused and people often make assumptions about someone’s gender identity based upon their gender expression.

As with all people, non-binary individuals may identify with a sexual orientation. Sexual orientation focuses on whom a person is attracted to: someone of the opposite sex, both or neither. This is different to gender identity and gender expression.

Non- Binary

The term non-binary refers to a person identifying as neither male nor female - having a gender which is in-between or beyond them, as fluctuating between ‘man’ and ‘woman’, as having no gender, either permanently or some of the time, or having a gender which simply doesn’t relate to male or female. It is a catch-all category for gender identities that are not exclusively masculine or feminine. It includes people who identify in a myriad of ways including genderqueer, gender non-conforming, androgynous, agender.

¹ [Natalie F. Hrubos: Non-Binary Gender Identities in the Workplace](#)

When addressing a non-binary person usage of singular "they", "their" and "them" is common, but some may use a different pronoun such as one, ze, sie, hir, co, and ey. Unless you know, simply ask. Explore tips on addressing non-binary people below and common terms and concepts in our glossary at Annex A.

The proportion of the UK population who define as non-binary when given a choice between male, female and another option is believed to be around 0.4% which is 1 in 250 people.²

A 2017 survey by GLAAD (formerly the Gay & Lesbian Alliance Against Defamation) found that 12% of Millennials (people aged 18-34) identify as transgender or gender non-conforming.³

Unlike some countries such as Australia, New Zealand, Germany and India, the UK does not currently recognise non-binary gender identities. Currently, neither the Equality Act 2010 nor the Gender Recognition Act 2004 explicitly cover non-binary people, (although they are likely to be covered in circumstances where they are perceived to be undergoing gender reassignment or if they experience disadvantage by virtue of being perceived to be a man or a woman). As such, some of our legal obligations such as security vetting, pensions and taxes will require non-binary staff to identify their gender as the sex recorded on their current birth certificate. However, this note and other related policies are designed where possible to go beyond an interpretation of the legal requirements that act to exclude non-binary people.

Transgender /Trans

Transgender is the term used by people whose gender isn't the same as that they were assigned at birth. This is a varied category that includes people moving from one gender binary to another (e.g. female to male) and people who identify as neither male nor female (i.e. non-binary people). It is worth noting, however, that not all non-binary people identify themselves as trans.

Non-binary identities in the workplace

Having a variety of people with different backgrounds, experiences and perspectives in our workplace helps us to think more creatively and respond better to a wider range of public needs. Being a mixture of people with binary and non-binary identities contributes to the culture and continuous improvement of our organisation.

Gender identities (especially non-binary identities) are not at all obvious and discrimination can often be inadvertent.

Non-binary people may face issues in the workplace that binary people don't experience (and vice versa). Issues might include lack of availability of facilities including provision of security passes, the application and language of policies, being misgendered, harassed, bullied or discriminated against.

² Titman, N. (2014) "How many people in the United Kingdom are non-binary?" www.practicalandrogyny.com

³ GLAAD, "Accelerating Acceptance 2017: A Harris Poll survey of Americans' acceptance of LGBTQ people" http://www.glaad.org/files/aa/2017_GLAAD_Accelerating_Acceptance.pdf

How we support non-binary people

- Our online recruitment system does not require users to complete their gender or title. If users do wish to choose a title, the gender neutral option Mx is an option alongside Mr, Ms, Mrs and Miss etc.
- We are reviewing our internal HR system, which currently only has binary gender options to see if it can be updated to include non-binary options. There is however, an option for staff to identify as different from their birth gender.
- Generally, we do not have a dress code and staff are able to wear the clothing of their choice. Where a uniform is required, staff are free to choose the uniform they wear. Where gendered items are part of the uniform, staff can mix and match as they wish. Where non-binary staff require both a “uniform A” and “uniform B”, this will be provided. Alternatively, uniform should be non-gendered and tailored to fit appropriately.
- We have gender neutral toilets in some of our offices (all single-user toilets are gender neutral) and have committed to extend these across the estate. We recognise that employees know how to choose the facilities that match their gender identity, as stated in our Transitioning Policy.
- Staff are able to request two security passes if they wish, although only one can be active at any time. Staff wishing to do so should contact the Equality in the Workplace Team who will liaise with Facilities and Security.
- We do not use gendered language in job adverts and job descriptions unless it is a requirement permitted in law.
- Our Dignity at Work Policy includes gender identity within the list of protected characteristics to ensure that non-binary people do not suffer discrimination, harassment or bullying on account of their gender identity.
- All new policies are written with gender neutral language; old policies are being updated accordingly.
- PRISM, our LGBTI+ equality network is open to people with non-binary identities.

Tops tips for being inclusive of non-binary people

- Unless you are certain of someone’s gender identity, avoid making assumptions and attributing a gender to them.
- Simply ask instead of guessing about the language a non-binary employee uses to describe themselves. Usage of singular "they", "their" and "them" is common, but some may use a different pronoun such as one, ze, sie, hir, co, and ey. Make sure that you know which pronouns they use and use them. Whilst it may take time to adjust to using them, it can be one of the most affirming things you can do to support a non-binary colleague. Don’t say that they are “weird” or “too hard to learn / remember”.

□ The use of pronouns is also important when writing policies, reports or briefings. Respecting everyone's gender is important. Try to stay away from using gendered language i.e. Sir, Madam, etc, as someone's gender identity is often not relevant.

□ Are you able to convey the same information whilst using more inclusive language? Use the singular pronoun "they" instead as it is more inclusive and neater. For example, instead of writing "If an employee wishes to discuss his/her salary he/she should contact his/her line manager", write "If an employee wishes to discuss their salary, they should contact their line manager". Further examples of non-binary inclusive language are below:

Binary Language

He / she
Open to both genders
Ladies and Gentlemen
Dear Sir / Madam

Mothers and fathers
Husband / wife
Brother / sister
Men and Women

Non-binary inclusive language

They
Open to all genders
Honoured guests
Dear (name) /To whom it may concern
Parents / carers / guardians
Spouse / civil partner
Sibling
People / everyone

□ Do not ask personal questions about anyone's genitalia, previous name or medical intervention. Such questions are invasive, unwelcome and may constitute sexual harassment.

□ Remember, everyone makes mistakes sometimes, and managers or team members may inadvertently use incorrect names, titles or pronouns. Non-binary employees generally understand that this is not malicious, but when they are put in the spotlight, it can feel uncomfortable. A simple and genuine apology to acknowledge any slip is the best response. Team members should be encouraged to consider their use of language, and managers can also help them do so by promoting an inclusive environment.

□ Before sharing information about your non-binary employees, you must obtain their consent and discuss how the information will be used. A person's gender identity is considered to be personal information.

Further information

<http://www.stonewall.org.uk/>

<http://www.agender.org.uk/>

[PRISM - the Welsh Government's LGBT staff network](#)

<https://www.scottishtrans.org/about-us/>

<https://www.gires.org.uk/>

[ACAS Gender Reassignment Guidance](#)

[Welsh Government Transitioning Policy](#)

[Welsh Government Gender Neutral and Accessible Toilets Policy](#)

Annex A: Glossary

This glossary is by no means exhaustive, and, along with this document, it is not intended to be a one-size-fits-all reference, but may help to gain a basic understanding of some terms and concepts. It is also important to note that different people within non-binary communities have differing views on how these (and other) gender-focused terms should be defined and which terms should be used in the first place, if at all.

- **Agender:** Having no gender or no concept of gender.
- **Androgyny** is the combination of masculine and feminine characteristics.
- **Bi-gender:** Also “polygender,” having two or more genders simultaneously or in series (may overlap with gender fluidity).
- **Cisgender / Cis:** A person who identifies with the sex that they were assigned at birth. Cisgender is the word for anyone who is not transgender.
- **Dead name:** Someone’s name prior to transition. If you know it, do not use it or share it (deadnaming), and do not refer to it as their “real” name. It is an incorrect name and likely to cause offense.
- **Gender binary:** The system of classifying all people as either male or female, including the infrastructure to support this classification (binary gendered facilities, dress codes, pronouns, etc.).
- **Gender dysphoria:** Clinically-significant distress linked to a mismatch between a person’s gender and either physical characteristics (“body dysphoria”) or social role (“social dysphoria”). Gender dysphoria is experienced by many (but not all) trans people, is linked to suicide and mental illness, and is exacerbated by actions like misgendering or deadnaming.
- **Gender expression:** The physical presentation of a person, often interpreted as indicating gender within the gender binary. Clothing, makeup, facial hair, grooming, perfume and/or deodorant, body language, speech patterns, and more combine to give an impression of femininity, masculinity, or androgyny. This is not the same thing as gender identity.
- **Gender identity:** Someone’s gender. Although the phrase “gender identity” is commonly used in discussion and legislation, simply “gender” should be used preferentially, as “identity” has dismissive connotations.
- **Genderfluid:** Having non-static gender; a genderfluid person may be a different gender from one day to the next.
- **Genderqueer:** Some people choose to adopt this term for themselves as a catch all category for gender identities that are neither masculine nor feminine. However, this and other terms including the word “queer” should not be used unless explicitly requested, as they are associated with anti-trans and anti-LGBTI+ violence, and some people consider them to be slurs.

- **Intersex:** Possessing any of several variations in biological sex characteristics including chromosomes, sex hormones, or genitals that, according to the UN Office of the High Commissioner for Human Rights, “do not fit the typical definition for male or female bodies.” Whilst some intersex people may also be trans or non-binary, many are not.

- **Misgendering:** Using gendered pronouns, language, or other markers that are not consistent with a person’s gender. Although misgendering most often consists of using the wrong pronouns, it can also mean using inappropriate gendered terms (dude, lady, etc.) or prescribing an incorrect gendered division (such as gender-segregated sports teams, bathrooms, business events, etc.). Misgendering is likely to cause offense.

- **Nonbinary:** Existing outside of the gender binary, being neither male nor female.

- **Pangender:** Having mixed aspects of both male and female in presentation and / or identity. Possibly moving between male and female, possibly identifying outside of male and female.

- **Pronouns:** The way someone refers to you. The most commonly used pronouns are “she / her / hers”, and “he / him / his”. Some people will use gender neutral pronouns, such as the singular “they / them/ theirs”. Some people may use less common pronouns such as “ze / hir / hirs”, “one”, “sie”, “co”, and “ey” and some people will use a mixture of pronouns.

- **Transgender:** An umbrella term for people who do not identify with the gender they were assigned at birth. The term “trans” is a simpler term in common use that can also include people that do not conform to expectations of gendered behaviour or dress. Do not use the words “transsexual” or “tranny” to refer to transgender people as these are offensive.

- **Transition:** The process of moving from publicly presenting as one gender to another. **Transitioning** – the steps a trans person may take to live in the gender with which they identify. Each person’s transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

- **Transsexual:** This term is an older term used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Whilst the term is used in the Equality Act 2010, it is no longer used and can cause offence.