

Unite Scotland

1 Do you have any comments on the proposal that applicants must live in their acquired gender for at least 3 months before applying for a GRC?

Yes

If yes, please outline these comments.:

It is likely that many trans people would be quite certain of their gender before going through the application process.

As women, particularly black, Asian, disabled and migrant women workers, form the majority of workers in precarious employment they would have little or no access to employment rights allowing them to live in their acquired gender for a least two years. These workers not only face a lack of decent pay and employment rights due to the absence of Government regulation but also are doubly discriminated by the requirement of the two year rule.

Unite believes that the current evidential obligations of demonstrating two years of transition is unnecessary and simply acts to emphasise gender stereotypes of how a man or a woman 'should live'. Therefore Unite supports the removal of the two year requirement and the introduction of a self-declaration system for legal gender recognition.

2 Do you have any comments on the proposal that applicants must go through a period of reflection for at least 3 months before obtaining a GRC?

Yes

If yes, please outline these comments.:

It is likely that many trans people would be quite certain of their gender before going through the application process.

As women, particularly black, Asian, disabled and migrant women workers, form the majority of workers in precarious employment they would have little or no access to employment rights allowing them to live in their acquired gender for a least two years. These workers not only face a lack of decent pay and employment rights due to the absence of Government regulation but also are doubly discriminated by the requirement of the two year rule.

Unite believes that the current evidential obligations of demonstrating two years of transition is unnecessary and simply acts to emphasise gender stereotypes of how a man or a woman 'should live'. Therefore Unite supports the removal of the two year requirement and the introduction of a self-declaration system for legal gender recognition.

3 Should the minimum age at which a person can apply for legal gender recognition be reduced from 18 to 16?

Not Answered

If you wish, please give reasons for your view.:

4 Do you have any other comments on the provisions of the draft Bill?

Yes

If yes, please outline these comments.:

Unite has considerable experience of representing members discriminated, harassed or bullied on grounds of gender identity and have sought to use the collective bargaining process as well as the Equality Act 2010 to support them.

We have ensured trans members are fairly treated and recognised as the gender they live and work in and we further support trans members by negotiating for sufficient paid leave during transition, which does not impact on their absence work record.

Unite has ensured trans equality rights are part of workplace equal opportunities agreements, including pensions. We have provided training for our officers and representatives, have produced specific guides and also have included gender identity in other publications including health and safety, domestic violence and abuse, and zero tolerance to discrimination, harassment and bullying. We have shown a firm commitment to support the right of trans people to live without prejudice and have challenged it where it has arisen.

Unite's equality structures are based on the principle of self-identity. Therefore, we are responding as a collective and with the views of our national LGBT and Women's Committees. Unite's commitment is built upon the long-standing involvement of trans members in our structures and activities as a union, including in our women's structures and activities. We have organised together for equality for all, learning from each other and strengthening our diversity and organisation as a result. We recognise the rights of these group to have self-identity.

A statement drawn up by Unite's National LGBT and Women's Committees confirms:

"Unite is firmly committed to equality for all, and the members of our union are a strong representation of the diversity within our communities ...Respect and tolerance are crucial and we oppose all hate crime, bullying and harassment.

"We therefore oppose any construct of a debate which seeks to divide and set one group of workers against another and will defend our members against any homophobic, transphobic or sexist hate language or abuse ...Unite believes that any worker has the right to determine their gender identity without unnecessary medicalisation and supports the review of the process ...By working together to tackle the discrimination we all face, Unite believes that we will create a more tolerant, fairer society for all.

"We oppose divisions between our women's movement and our lesbian, gay, bisexual and trans movement. Our campaigns to tackle discrimination are inclusive and member led."

Unite believes that a statutory declaration would deter false applications. We believe that applicants should require a statutory declaration confirming their understanding and intention to live in their acquired gender until the end of their life and that there should be no cost to access this process. Fees discriminate against those on low income and also those who are living in abusive or controlling relationships.

Single-sex and separate sex services

Unite women members have campaigned over many years for women only spaces and services. We have also campaigned and negotiated for gender neutral spaces. We would not wish to lose either of these. Unite therefore supports gender neutral spaces that will sit alongside women's spaces. We would therefore call on the Scottish Government to ensure that they work with the UK Government to ensure protections, provisions and exceptions within the Equality Act 2010 will remain.

Unite also believes that there should be clearer guidance in relation to the provisions of the Equality Act 2010 in providing single sex services and ensuring that employers do not remove services and facilities for women.

While lobbying for this at Westminster, we would also wish to see the Scottish Government taking this forward under the auspices of the Fair Work agenda. Unite have been campaigning for women's equality at work and in the wider society. One of the ways to address sex discrimination is to monitor on grounds of sex, and apply positive action. Therefore, the protection in the Equality Act 2010 is absolutely necessary to allow for positive action and quality monitoring on grounds of sex.

Unite passed a motion at its Scottish Policy conference in 2019 calling for Scottish Local Authorities and other public sector employer to record incidents of an equalities nature including racism, homophobia, transphobia. This should be implemented and monitored regularly.

Unite has identified issues with regards to gender identity clinics which may have a bearing on the issue of single-sex and separate sex services. Scotland only has two gender identity clinics and only one of these is in the public sector.

Unite finds it unacceptable that trans people across the UK are waiting for at least 18 months for their first appointment from referral.

These delays for trans people will only add to the anguish for some people causing additional and avoidable anxiety. Unite support the work done by some groups in lobbying for improved service provision for trans people, particularly for those waiting for their first gender identity clinic appointment.

We would therefore call on the Scottish Government to ensure proper investment is made into gender identity clinics that would shorten waiting times.

5 Do you have any comments on the draft Impact Assessments?

Not Answered

If yes, please outline these comments.: