



Gender Identity: Terminology

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GENDER IDENTITY: TERMINOLOGY

Gender identity can be a particularly difficult area for employers and employees to keep pace with as its terminology is evolving, and there are also differences in opinion about terminology within the trans community. This document provides a comprehensive list of terms relating to gender identity. It is intended as a resource for employers, employees, representatives and any other staff or personnel, to aid with managing gender identity in the workplace. It includes terms that are used both in legislation as well as socially-preferred terms, and provides a definition as well as any caveats relating to specific terms e.g. sensitivities and current associated controversy. The terms in this document have been taken from a variety of sources from nationally recognised organisations. The vast majority of these terms have been taken from trans organisations; therefore please note that these are not Acas' own terms.

This typology was devised by the Institute for Employment Studies as part of a wider Acas research project 'Supporting Trans Employees in the Workplace' commissioned by Acas in 2016-17. The full research paper can be accessed here www.acas.org.uk/researchpapers and Acas guidance, Gender reassignment discrimination: key points for the workplace, can be accessed here www.acas.org.uk/genderreassignment.

Please note that as the language in this area is constantly evolving, the usage of terms may increase or decrease over time.

RELEVANT LEGISLATION

A brief overview of key legislation relating to gender reassignment is provided here to assist with understanding some of the terms set out in this document. Fuller information relating to each is provided in Acas' guide, 'Gender reassignment discrimination: key points for the workplace.'

1) Equality Act 2010

The Equality Act consolidated discrimination legislation, and established the nine protected characteristics, this includes gender reassignment, sex, marriage and civil partnership, and sexual orientation. The Act protects people from discrimination on the basis of any of these protected characteristics (Acas guidance on discrimination is available here <http://www.acas.org.uk/equality>).

The Act also requires public bodies (such as local councils, hospitals, and publicly-funded service providers) to consider how their decisions and policies affect people with different protected characteristics. A public body also should have evidence to show how it has done this.

It is important to note that the Act only applies to England, Wales and Scotland. Northern Ireland operates under its own legislation.

2) Gender Recognition Act 2004

This provides a mechanism for someone to be legally recognised in, and gain the rights and responsibilities of, their gender affirmed through gender reassignment i.e. from man-to-woman, or woman-to-man. For example, the right to a new birth certificate if the birth was registered in the UK.

There are strict privacy requirements under the Act regarding gender recognition, which reinforce those in the Data Protection Act 1998, under which 'transsexual' identity and gender reassignment constitute 'sensitive data' (Office for National Statistics 2009).

3) Data Protection Act 1998 and the Human Rights Act 1998

For the purposes of the Data Protection Act, gender reassignment and any information appertaining to an individual's gender history would constitute 'sensitive data' which can only be processed for certain specified reasons, as set out in the Act. Furthermore, Article 8 of the Human Rights Act gives *everyone* the right to privacy and family life (a:gender 2016).

It is the antithesis of the intentions of the privacy provision included in the Gender Recognition Act 2004 to ask or expect an individual to evidence that they have a gender recognition certificate. It is best practice to assume any 'transsexual' person has a gender recognition certificate and treat them accordingly. This also prevents a gender recognition certificate from becoming an inappropriate demarcation as the provisions of the Equality Act 2010 apply to all 'transsexual' people irrespective of whether they have a gender recognition certificate.

Other relevant legislation and documentation:

- **The Marriage (Same Sex Couples) Act, 2013**
- **The Public Sector Equality Duty (part of the Equality Act 2010)**
- **Disclosure Barring Service sensitive applications**
- **State Pension claims**
- **HRA Article 8 – The right to a private life**

N.B. As previously mentioned, language in this area is constantly evolving, therefore it is important that this glossary is not viewed as a static document; it should be periodically reviewed for appropriateness and applicability.

While this document provides a comprehensive list of terms relating to gender identity it is always best practice to use the terms, definitions and pronouns preferred by trans employees/colleagues over and above definitions taken from another source.

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TERMINOLOGY	DEFINITION	CAVEATS
Key Terms		
Sex	Sex refers to the male/female physical development – the phenotype. In an infant, the sex is judged entirely on the genital appearance at birth (GIRES, 2015). ¹	There is a view that metrics used to determine one's <i>biological sex</i> are flawed as a way of 'pinpointing' their <i>gender</i> . As such, the two can be at odds with one another, therefore gender needs to be self-reported.
Gender Identity	A person's sense of self as a man, woman, non-binary person or other sense of gender. A person's gender identity can follow directly from the sex they were assigned at birth, but this is not always the case (GEO, 2015).	
Gender Dysphoria	Gender dysphoria is when a person experiences discomfort or distress because there is a mismatch between the sex they were assigned at birth and their gender identity. It is sometimes known as gender identity disorder (GID), gender incongruence or transgenderism (NHS, 2016).	Gender dysphoria is a recognised medical condition in the 5 th edition of Diagnostic and Statistical Manual of Mental Disorders (DSM-V). Some criticise this because they think it conflates gender variance with a pathological disorder (Knudson et al, 2013).
Cisgender	Cisgender refers to where someone's gender aligns with the sex they were assigned at birth.	Cisgender is a term largely used by members of the trans community and some cisgender people themselves. 'Cis' is sometimes used colloquially. It is used to help break down the idea that people who are not trans do not need a descriptor because they are "normal". There is occasionally backlash from cisgender people who do not wish this term applied to themselves as well as certain feminist theorists who argue it oversimplifies the complexity of all gender identity and expression. Non-trans has also been used by some people.

¹ For infants that are not intersex, as genital appearance is not always a determinant of sex in intersex children.

TERMINOLOGY	DEFINITION	CAVEATS
Gender reassignment	<p>Gender reassignment is the term used to describe transitioning from one binary gender to another (EHRC, 2011). (See 'transition' and 'gender confirmation treatment/gender reassignment surgery' on page 8).</p> <p>The Equality Act 2010 defines the protected characteristic of gender reassignment as where a person has proposed, started or completed a process to change his or her sex. A 'transsexual' person has the protected characteristic of gender reassignment (The Equality Act, 2010).</p>	
Transsexual	<p>In law, a reference to a transsexual person is a reference to someone who has the protected characteristic of gender reassignment i.e. someone who 'proposes to undergo, is undergoing or has undergone gender reassignment' (The Equality Act, 2010).</p> <p>The term transsexual specifically refers to someone transitioning from a woman to a man, or a man to a woman. It may or may not include medical treatment. It does not specifically cover non-binary gender identities (see page 6). However there may be instances in which individuals with a non-binary gender identity might be protected such as through direct discrimination by perception. For example, if they were perceived to be planning to, in the process of, or to have already undergone gender reassignment, regardless of whether or not that perception is correct.</p>	<p>The word 'transsexual' should be used as an <i>adjective</i>, not a noun. It is, therefore, <i>never</i> appropriate to refer to an individual as 'a transsexual', or to transsexual people, as 'transsexuals' (GIREs, 2015).</p> <p>The terms 'transsexual' and 'transsexualism' are considered old fashioned by some, who feel that they place too much scrutiny on medical procedures and trans people's bodies. There is some controversy around the use of this term within the trans community.</p> <p>A person does not have to undergo any medical procedures in order to be protected by the Equality Act 2010 if they are presenting permanently in a different binary gender (i.e. man or woman) to the one they were assigned at birth.</p> <p>Section 16 of the Equality Act 2010 confirms that absence from work because of gender reassignment cannot be treated less favourably than absence because of sickness or injury and, importantly, absence for any other reason if not unreasonable to do so. This allows employers to treat gender reassignment absence differently from, but no less favourably than, sickness absence and can remove substantial disadvantage that would otherwise be incurred by transsexual people.</p>

TERMINOLOGY	DEFINITION	CAVEATS
Trans men / trans women	Trans men are those who were assigned female at birth but who identify as men. Those assigned male at birth but identifying as women may be referred to as 'trans women' (GIREs, 2015).	Many trans people, having transitioned permanently, prefer to be regarded as simply men and women. Where it becomes essential to refer to their pre-transition status, the phrase 'woman (or man) of trans history' may be used (GIREs, 2015).

TERMINOLOGY	DEFINITION	CAVEATS
Trans	<p>This is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, cross dresser, non-binary, genderqueer (GQ) (all defined in this guide) (Stonewall.org, 2016).</p>	<p>The term 'trans*' (with an asterisk) is sometimes used, with the asterisk as an additional symbol of inclusion of any kind of trans and non-binary gender presentation. Some trans organisations now feel that the asterisk's moment has passed. Some have criticised it for conflating cisgender people with alternative fashion, or non-straight sexual orientations, with trans people who are discriminated against for their gender identity.</p> <p>A trans woman is not a cross dresser or drag queen. It is important to be aware of the differences between trans women, cross-dressers, and drag queens.</p> <p>While anyone may wear clothes associated with a different sex, the term 'cross-dresser' is typically used to refer to men who occasionally wear clothes, makeup, and accessories culturally associated with women. This activity is a form of gender expression and is not done for entertainment purposes. Cross-dressers do not wish to permanently reassign their gender or live full-time as women (GLAAD.org, 2016).</p> <p>The term 'drag' is applied to individuals who cross-dress often for entertainment purposes (Office for National Statistics 2009).</p> <p>'Cross-dresser' replaces the term 'transvestite', which is now generally viewed to be inappropriate and can cause offence. Do not use the word 'transvestite' at all, unless someone specifically self-identifies that way.</p> <p>'Tranny' is a colloquial or 'slang' term which is now perceived to be derogatory. It is not synonymous with trans or transvestite. It is deemed unacceptable by many trans organisations and many members of the trans community find it extremely offensive (GLAAD, 2016).</p>

TERMINOLOGY	DEFINITION	CAVEATS
Transgender	<p>Transgender has sometimes historically been used as a substitute for the term 'transsexual' due to the controversy felt to be associated with this term by many members of the trans community (as described on page 2).</p> <p>Others use the term 'transgender' as a broader umbrella term, similar to the use of trans, as described above.</p>	<p>Due to the several different ways that the word transgender is used by different people and organisations, confusion can arise.</p>
Intersex variations, intersex	<p>Intersex is a naturally occurring variation of human development (a:gender, 2016). There are a number of intersex variations (renamed Disorders of Sex Development – a clinical description now used within the NHS that is rejected by many people in the UK). In some intersex variations, the appearance at birth is neither clearly male nor female. The sex (male or female) assigned, and the anticipated gender role (boy or girl) assumed at that time, may not be consistent with the core gender identity and may, therefore, result in a need to change the gender role at a later stage. (a:gender 2016).</p>	<p>Some medical personnel use the term 'hermaphrodite' to refer to people with certain intersex variations. However, this is generally viewed as outdated and incorrect. It is recommended that this term be abandoned as it fails to reflect modern scientific understandings of intersex variations, being both misleading and stigmatising.</p> <p>Under the Equality Act 2010, intersex is not covered. Currently, there is no legislation that specifically protects intersex people. The situation is that the sex that has been recorded on an intersex person's birth certificate determines what protection applies to that individual under another protected characteristic - Sex. However this potentially may not offer full protection if the individual is of ambiguous sex.</p> <p>Intersex is a <i>physical condition</i>, as opposed to a <i>gender identity</i>.</p>

TERMINOLOGY	DEFINITION	CAVEATS
<p>Non-binary Terms</p> <p><i>Non-binary terms include, but are not limited to:</i></p>		
<p>Non-binary, Gender neutral, Non-gender, Third gender, Gender queer (GQ), Gender Non-conforming (GNC), Gender fluid</p>	<p>These terms are used to define a person who does not subscribe to the binary approach to gender, and who may regard themselves as neither man nor woman, or man and woman, or take another approach to gender entirely (GEO, 2015).</p>	<p>Gender neutral pronouns may be preferred by people who identify as non-binary or otherwise gender nonconforming. If in doubt, it is best to ask the individual what they prefer and how they define their gender.</p> <p>Whilst being understood to come under the same umbrella of a non-binary gender identity, each of these terms has a different meaning or definition. People can self-identify, and many people reject the whole idea of tick-boxes, and describe themselves in non-binary terms. These terms are open to self-definition and may be used differently by different people.</p> <p>Some cis-gender people may be gender variant or non-conforming, and someone who is gender variant/non-conformist may not necessarily identify as trans.</p>
<p>Bi-gender</p>	<p>Bi-gender people have a gender identity that encompasses masculine and feminine (Stonewall, 2004).</p>	<p>Bi-gender people refer to themselves as bi-gender and not as 'bi-gendered', which can be deemed offensive.</p>
<p>Androgynous</p>	<p>A person who does not fit clearly into the typical gender roles of their society. Androgynous people may identify as between genders, moving across genders, entirely genderless, or any or all of these (Office for National Statistics, 2009).</p>	

TERMINOLOGY	DEFINITION	CAVEATS
Gender variance/ gender non-conformity	Expressions of gender that are perceived by others as being outside typical cultural gender expressions (GIREs, 2015).	
Gender neutral pronouns	Pronouns are words we use to refer to people's gender in conversation - for example, 'he' or 'she'. A gender neutral or gender inclusive pronoun is a pronoun which does not associate a gender with the individual who is being discussed.	<p>Pronouns such as he/she or his/hers may be replaced with more neutral pronouns such as: they, per, zie or fey; and the title Mx may be preferred to Mr, Mrs, Miss or Ms.</p> <p>As with deadnaming, (see page 10), persistent and/or malicious use of incorrect pronouns is likely to be harassment.</p> <p>People can select which pronouns they would prefer. If in doubt, it is best to ask the individual which pronouns they would like to be used.</p>

TERMINOLOGY	DEFINITION	CAVEATS
Terms related to transitioning		
Transition	Transition is the term used to describe the process of moving towards a permanent, full-time adaptation of the gender role across all spheres of life: in the family, at work, in leisure pursuits and in society generally (GIRES, 2015).	<p>A few people make this change overnight, but many do so gradually over a period of time, changing their presentation intermittently, and sometimes whilst undergoing early medical interventions such as hormone therapy.</p> <p>A period of 12 months living full-time in the gender role that is congruent with the gender identity is currently required before genital surgery is undertaken. Transition in non-binary individuals is more likely to be a shift in gender presentation, rather than a complete change of role; it may or may not include medical intervention.</p>
Affirmed Gender	The process of bringing the gender role and appearance into alignment with the gender identity, 'affirms' that identity. Thus the term 'affirmed' gender is now becoming more common in describing the post-transition gender status (GIRES, 2015).	Some feel that 'affirmed' should be used in preference to 'acquired'; the latter is the language of the Gender Recognition Act, and is more appropriately used to describe the acquisition of a Gender Recognition Certificate and new Birth Certificate (see page 9) (GIRES, 2015).
Gender confirmation treatment, gender reassignment surgery	Those undergoing transition permanently usually have gender confirmation treatment that includes hormone therapy and, often, surgery to bring the sex characteristics more in line with the gender identity (GIRES, 2015).	<p>This is sometimes referred to as gender (or sex) reassignment surgery. The term 'sex change' is not considered appropriate or polite.</p> <p>Gender reassignment does not have to include medical processes/supervision and it is important to recognise that gender reassignment is not just a medical procedure.</p> <p>The period of living in the gender one identifies with, prior to medical processes such as hormone administration or a surgical procedure, is still very much part of gender reassignment.</p>

TERMINOLOGY	DEFINITION	CAVEATS
Gender Recognition Certificate	A certificate issued under the Gender Recognition Act which enables trans people to be legally recognised in their affirmed gender (GEO, 2015). To obtain a GRC the individual needs to provide evidence of having transitioned permanently for at least two years as well as medical evidence if applicable.	<p>The GRC has strict privacy provisions which must not be breached by any person acquiring such information in an 'official capacity'. Disclosure to a third party could be a criminal offence (GRA s22(4)) (some limited exceptions apply).</p> <p>Some trans people are unable to obtain a GRC and others choose not to. Ownership is not necessary to be covered under the Equality Act 2010.</p>

TERMINOLOGY	DEFINITION	CAVEATS
Terms related to bullying and harassment		
Transphobia	Transphobia is the unrealistic or irrational fear or hatred of trans people. Like all prejudices, it is based on negative stereotypes and misconceptions that are then used to justify and support hatred, discrimination, harassment, and violence toward people who are transgender (Stonewall, 2004).	<p>The Equality Act 2010 affords legal protection to 'transsexual' staff from discrimination, harassment and victimisation. See Acas guidance on Gender Reassignment Discrimination for more information.</p> <p>Hostile or violent incidents because of an individual's trans identity are known as transphobic hate incidents (Citizens Advice, 2016).</p>
Outed	When a trans person's gender identity is disclosed to someone else without their consent (Stonewall.org, 2016).	This is something employers should be aware of during recruitment and employment procedures, as well as if providing references for a former employee who has transitioned before starting in their new position. Please refer to Acas guide gender reassignment discrimination for more information.
Deadnaming	Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition (Stonewall.org, 2016).	<p>Deadnaming is an offensive action which tends to be employed as a means of degradation or humiliation and is often a form of transphobia.</p> <p>However, there is an understanding within the trans community that, in the early phases of transition, accidental mistakes will be made as people get used to new pronouns.</p> <p>Deadnaming becomes an issue when it is persistent and/or malicious.</p>
Misgendering	Referring to someone using a word, especially a pronoun or a form of address, which does not correctly reflect the gender with which they identify (GEO, 2015).	As with deadnaming, misgendering becomes a serious problem when it is persistent and/or malicious.

TERMINOLOGY	DEFINITION	CAVEATS
Gender identity and sexual orientation		
Sexual orientation	Sexual orientation is associated with the sexual attraction between one person and another. Sexual orientation is a separate issue from gender identity. Trans people may be gay, straight, bisexual, asexual or any other sexual orientation. Their sexual relationships may remain the same through the transition process or, sometimes, they shift (GIRES, 2015).	
LGBT, LGBTIQ, LGBTQU, LGBTQIA, LBOTQ+, LBTTQQIAAP, QUILTBAG	Acronyms, variations of which stand for lesbian, gay, bisexual, trans (or transgender/transsexual), queer, questioning, unsure, intersex, ally ² , asexual and pansexual communities (Stonewall.org, 2016).	<p>Some organisations have criticised the acronym for aggregating sexual orientations and gender identity under one umbrella term. Others criticise variants of the acronym for failing to fully include certain gender or sexual diversities, and thus create extended versions of the acronym.</p> <p>Consideration should be given when using the term 'queer' as it may be deemed offensive by some, yet others may self-identify this way.</p> <p>QUILTBAG has been introduced in some contexts as a step towards being a more inclusive term, but is still criticised for being exclusive of some groups.</p>

² Typically a straight and/or cis person who supports members of the LGBT community (Stonewall, 2016).

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