



Supporting Trans & Intersex Staff Across Government

## **Intersex Information**

### **Foreword**

The Public Sector Equality Duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are now required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Civil Service is working to be the most inclusive employer by 2020. a:gender advocates that everyone is treated as though they have a protected characteristic under the Equality Act 2010 and that workplace policies reflect this.

### **What is intersex?**

Intersex people are born with a mix of anatomical sex traits (chromosomes, hormones, genitals and/or reproductive organs) that do not fit typical ideas about male and female bodies. This may be apparent at birth or become so later in life.

Many forms of intersex exist; it's not a single category. Intersex variations may or may not be accompanied by degrees of gender dysphoria (not feeling like the sex you were recorded at birth). Intersex variations are a perfectly normal, naturally occurring variation of human development; they are as common as having red hair.

### **Diagnosis**

Sometimes it's obvious that a baby is intersex because of visible differences at birth, but many intersex babies look typically male or female and so many people don't find out they're intersex until puberty or after issues with infertility, some find out later in life, some may not find out at all.

Many are not explicitly told they are intersex which prevents them from finding support among their peers and making informed decisions about their own healthcare. Those operated on at birth to assign them to a binary sex are often not informed of their surgery as adults. This secrecy leads many intersex people to carry a sense of stigma and shame about their bodies and further silences them.

### **Language**

Disorders of Sexual Development (DSD) is a term that has been coined by the medical profession to refer to intersex people. It is widely condemned as offensive by intersex individuals who argue that if something occurs naturally and throughout all species, it is not a disorder. Many intersex people feel that this pathologising language reinforces the idea that they need “fixing”, which in turn perpetuates the practice of subjecting intersex infants to unnecessary and non-consensual surgeries to assign them to a binary sex chosen for them, not by them.

You should also avoid reference to intersex *conditions* for this reason – it’s preferable to refer to intersex *variations*.

Many intersex people also find the word “hermaphrodite” outdated and offensive – it’s also inaccurate as it doesn’t cover what it means to be intersex.

Using the term “intersex” is generally acceptable, with “endosex” as the preferred term for non-intersex people, but language constantly evolves, and you should be aware that these preferred terms may change.

### **Intersex Rights in the UK**

Intersex people who undergo gender reassignment have some protection under the Equality Act 2010.

Malta and Portugal have banned some medical interventions on intersex people that are legal in the UK.

### **In the workplace**

Despite a population estimated to be up to three times as large as the Trans population, concessions to intersex staff are often non-existent, or else they are grouped in with LGBT or even disability networks, becoming overlooked and ignored as a result:

*“The inclusion of Intersex alongside LGBT is problematic, because intersex people’s issues are legally, medically, and socially different from those of LGBT people. If ‘I’ is to be placed with LGBT then it is necessary to fully include, resource, and acknowledge intersex people, and to address their specific concerns, [however] the established nature of the LGBT ‘sector’ in the UK provides an opportunity for useful collaborations and alliances [as] it has both an existing infrastructure and political profile; these are starkly lacking for intersex people.”*

Source: Monro, Surya, Crocetti, Daniela, Yeadon-Lee, Tray, Garland, Fae and Travis, Mitch (2017) Intersex, Variations of Sex Characteristics, and DSD: The Need for Change. Research Report. University of Huddersfield.

Some will remain undiagnosed, having no developmental or health issues, others may have to manage significant issues. Examples include, but are not limited to:

- feeling different and being different
- not fitting into the binary gender society expectations
- complications over personal relationships
- infertility and/or sterility
- subjected to comments regarding genitalia

- subjected to comments about gender-incongruent bodily appearance, such as facial and body hair, voice, height, male pattern baldness.
- Problems with dressing for the workplace, finding clothing that follows a dress code or obtaining a uniform.
- being excluded from certain activities and clubs where the activities are based around being either male or female, especially in sports where there is increasing prevalence of testing for performance-enhancing substances such as exogenous testosterone.
- the trauma of undergoing invasive tests, and ongoing long-term appointments with specialists who may practice in geographically remote locations from the individual.

a:gender encourages all departments and agencies to raise awareness over intersex issues, including provision for them in relevant policies, for example absence management for treatment. In the absence of intersex-specific policies, you should treat absences for treatment as if the individual was undergoing treatment for gender-reassignment.

### **Staff who parent an Intersex Child**

As well as civil servants who are themselves intersex, a considerable number will parent an intersex child.

Current NHS guidelines state that new-born infants who appear to be intersex will undergo chromosome pattern blood tests and that the birth registration should be delayed until these tests can be carried out. In England, Wales and Northern Ireland, a birth must be registered within 42 days, or 21 days in Scotland. The parents should also have a team of support, including a psychologist and family worker.

Many parents will only discover their child is intersex when puberty does not progress as expected. This can be mentally and emotionally challenging for the adolescent and the parent supporting them.

Parents may also be subject to stigma, discrimination and common misconceptions that can cause issues in the workplace. Although there are measures of support available from the NHS, a:gender is also open to support staff members who parent an intersex child.

### **How to support intersex colleagues as a manager**

- When a colleague comes out to you as intersex, *respect their confidentiality*.
- Take them somewhere private where they will feel comfortable talking to you and let them take their time.
- They may trust you with some extremely personal or upsetting information, try not to be embarrassed or awkward.
- Use your organisation's guidance to help you understand how to have this conversation in a helpful and supportive way. Remember everyone's journey is different.

- Ask yourself why this individual has come to speak to you about this now? What does the individual need? How can you support them?
- Be honest about your own knowledge and experience, and that you may need time to find responses and resources. Reassure the individual that you will come back to them if you do need additional time.
- support them if they come out to their colleagues; do not leave them to tell people by themselves unless they request this. If they disclose this information to their team, monitor the rest of the team and how they respond to the individual. You should take feedback from the individual seriously and deal with it promptly and appropriately.

a:gender actively supports intersex individuals in the workplace. If you are worried, a:gender can provide further guidance and help you to feel confident and able to support the individual.

### **Confidentiality**

Managers must note the need for **absolute confidentiality** around an employee's medical and intersex history. Local records should be managed appropriately. Gain the consent of the person before you share this information. In open-plan teams, it may be easy to identify people by the sharing of personal information or if discussions are overheard or poorly worded. You must make a conscious effort to maintain confidentiality.

#### **KEY TAKEAWAYS**

**Intersex is the term for a person whose body doesn't fit binary notions about male and female**

**Intersex people are commonplace; there are many naturally-occurring intersex variations**

**Intersex people (like members of many other groups) may need specific support in the workplace**

**All intersex people should be treated as if they are protected by equality legislation.**

**Workplaces policies should be intersex-inclusive**

**a:gender can offer support to intersex civil servants, their managers and colleagues and those who parent an intersex child.**