



Press For Change



BM Network, London WC1N 3XX



Transsexual and Transgender Expertise Use of Sports and Leisure Facilities by Trans People



email: letters@pfc.org.uk

www.pfc.org.uk

“Respect and Equality for ALL Trans People”



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Participation in sports and leisure activities by transsexual people

Trans people are already participating in a wide variety of sports and leisure activities, enjoying the benefits of a healthy lifestyle and sharing the social and competitive aspects of such activities.

They also contribute to sport and leisure activities in a variety of ways as officials, coaches, trainers and administrators in paid and voluntary capacities. Their right to do so, and the benefits the sport and leisure sector gains from this involvement, should not be denied. The UK Government believes that

“Everyone deserves to have access to the very best sports opportunities. Sport has an important role to play in meeting national health targets and in improving quality of life for all.”

Press for Change believes it is just as much a duty of leisure service providers to protect those trans people, who wish to take part in activities, from harassment and other unfounded discrimination, and provide opportunities for them to benefit from physical activity in the same way they would protect other groups such as women, those of different ethnicity, and those with disabilities.

This leaflet is intended to help you understand trans people and to provide practical ideas which can help you help trans people to continue to have a healthy lifestyle which includes exercise and social activities.



Nong Tum, trans woman, Thai Kick Boxing Instructor



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Use of facilities by transsexual people

The Legal Change of Gender

- It is good practice to consider a trans person to have changed gender for purposes of access to facilities at the time of official change of name.
- The point at which a trans person has **changed gender for all legal purposes** will normally be around two years after their date of name change, when they have applied for and received a **gender recognition certificate**.
- A Gender Recognition Certificate is a legal document, issued by the Government, and means that trans person is of their **Acquired Gender for all purposes**. At this point they must be regarded as of their acquired gender in all aspects of life.

There have been concerns raised that there may be men pretending to be transsexual women to gain access to the female changing room or sporting facilities. This is an issue to do with crimes perpetrated by men, not trans women. Access to services by trans people should not be limited because of other people's (whether service users or staff) misunderstanding and stereotypes.

We should recognise that there may be issues for service delivery and the use of facilities prior to and during gender reassignment where the individual may present an ambiguous appearance. It is unlikely that trans people will use public facilities during this time for fear of harassment and ridicule. If they do, most are likely to avoid using facilities where people usually fully undress or shower together during this period. They will usually change in the gender appropriate facilities where nudity is not a feature. Most, but not all, use the gender appropriate toilet facilities during the gender reassignment process.

What can facility operators do to ensure they are not discriminating?

Sports and leisure facilities and their staff need to ensure they are informed of the issues around transsexualism.

If a trans person enquires about the facilities you as a service provider have to offer, then it is likely that the following will be greeted in a positive way:

- Centres which provide mixed changing and/or changing facilities with cubicles (changing villages) which offer greater privacy and ensure people feel safer



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- Courteous service from staff is also important
- Equal opportunities policies which include measures to ensure that discrimination against trans people does not take place in service delivery
- Staff training to sensitise staff to the issues involved and an equal opportunities policy

Managers Access Plans

- If the trans person states that they are legally recognized in their acquired gender (under the Gender Recognition Act 2004), believe them and accept that they are entitled to use the appropriate gender facilities.

You may be asked if there are private changing facilities by people whose genitalia do not match their gender identity, just as you may be asked for other reasons. (e.g. a person who uses a colostomy bag, or has excessive scarring).

If possible all provision of changing facilities should include:

- changing facilities with clearly labelled cubicles which offer greater privacy and feel safe for all.

Some trans people will only need privacy during a pre-operative phase.

Where a person is trans and there are no cubicles affording privacy, club officials may wish to discuss with them where they might be most comfortable changing.



**Michelle, trans woman,
mountain bike racer**

If managers or staff are unsure of how to deal with a trans person who has not approached them about changing facilities, but where other users have raised concerns, then it is essential that you approach the matter sensitively.

- Explain to the trans person that concerns have been raised.
- Make it quite clear that you are not insisting that the trans person use separate facilities.



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- Ensure you emphasize that your primary purpose is to facilitate the continued safe enjoyment of the facilities by the trans person.
- If there are still concerns from other services users, then ask the trans person if they would prefer alternative changing areas. For example some facilities have family changing rooms or school rooms, or if neither of these areas are available, suggest a changing area which may be used for people with disabilities as there may be more privacy in these areas.
- If the trans person would rather not use alternative facilities, then it would be reasonable to discuss why it might be appropriate in the short term to use non-communal changing facilities.
- You should emphasize that you are not enquiring into their private medical details, and do not require them, rather that you are attempting to maximize everyone's comfort in using the facilities.
- If the trans person refuses alternative facilities explain that you might have to seek advice as to their continued access to the facilities.

There is a danger that in imposing a requirement to use alternative facilities you would be 'outing' the

trans person to other users. Trans people have the same rights to privacy as others. This is one very good reason why it is important to have clearly labeled private changing facilities available to all users who might prefer them.

- If the trans person who has been legally recognized in their new gender would rather not change in alternative area, explain the problems to them and ask their permission to explain to other service users that the trans person has been recognized in their acquired gender for all legal purposes. [However, the trans person has a right to privacy and may prefer that you did not do that]
- If other service users still make objections, ask them to leave, just as you would exclude a service user who insisted you refuse access to another user because they were of a different race or religion.

Managers are urged to be sympathetic and helpful and always to approach any trans person using the facilities with a view to the fact that everyone should be encouraged to enjoy a healthy lifestyle and exercise. Once established in their new gender many trans people will use facilities in the usual way.



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The Sport and Leisure Industry is a people business and therefore you want people to visit and re-visit. Sports and leisure facilities operate in a mixed culture, mixed race, mixed religious, mixed sexually preference society with a mixed demographically distributed population and do not discriminate against clients.



Dan, trans man, triathlete

It is recognised that many small community centres and amateur sports clubs may not have facilities as described above. However they are encouraged to consider how a trans person can continue to gain access to their facilities.

It may be that other club users find it uncomfortable but it is the **legal duty** of staff or club officials to ensure that members are not subjected to abuse whether physical or verbal. Just as providers would not condone abuse on grounds of race or weight so it

should not be condoned on any other grounds either.

Competition Facts

The UK **Gender Recognition Act** (S.19) states that when a person has obtained a gender recognition certificate, sports bodies can only prohibit trans people from competition if the sport is a gender affected one and the prohibition is on grounds of fair competition or safety of competitors.

Prohibition can only be considered on an individual basis, and there is no provision for a 'blanket ban', from a whole sport, of transsexual people. Each case must be evaluated on its own facts.

UK law takes precedence even in international level events if they take place within the UK.

From 2004, **the International Olympic Committee** developed a policy for transsexual athletes who want to compete. The trans person will have to prove that they have undergone at least a minimum two-year regimen of hormones and gender reassignment surgery.



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The Law; Trans People and Access to Leisure and Sports facilities

Trans people are protected in the workplace and vocational training by the Sex Discrimination Act, from the point where they intend to undergo gender reassignment, but as of yet (2004) they have no protection in the area of goods and services provision. It is, unfortunately, still legal to discriminate against someone in these areas because they are transsexual.

For example; a prospective employer could not turn down a person who was trans if they were their best candidate for a job, nor could a current employer dismiss someone because they were intending to undergo, are undergoing or had undergone gender reassignment.

However, it would seem that an employer could refuse a service to a trans customer. This is clearly inadequate and this leaflet is intended to help service providers in the leisure and sports industry ensure equal access to facilities by trans people.

The Gender Recognition Act provides recognition of a person's acquired gender **for all legal purposes**. This includes sport and leisure activities.

Though cases have not yet been brought to the courts on discrimination in the provision of housing, goods and services to trans people, there have been several cases settled out of court.

These have all resulted in an apology being provided to the trans person and compensation. There is a general view that the courts would take a very sympathetic view to trans people who faced prejudice and discrimination and they would be inclined to re-interpret the Sex Discrimination Act to include protection throughout the sections of the Act.

The Appeal Court has recognised transsexualism as an illness under the NHS definitions. It is highly likely that if a trans person was refused access to facilities and sought protection under the Disability Discrimination Act, that they would be successful.



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Transsexual people

Transsexual (trans) people have the deep conviction that their gender identity does not match their appearance or anatomy. That conviction will lead them to present to the world in the opposite gender to which they were registered at birth. Often, trans people will then undergo hormonal or surgical treatment to bring their physical identity into line with their gender identity.



Jamie, trans man, Tai Kwan do

Transsexualism is not the same as cross-dressing for psychological comfort, sexual purposes or compulsion. Nor is it a sexual orientation towards people of the same sex. Rather, trans people take

decisive steps to live permanently in their acquired gender. Many trans people will wish to keep their condition private, and this must be respected. Others may be willing to discuss their transsexualism confidentially or in the open. This is a matter for them. In any event, after commencing living in their new gender role, trans people should be treated as members of the gender they consider themselves to be.

The medical gender reassignment process is extremely complex and lengthy involving a multi-disciplinary medical team.

Gender reassignment involves many stages:

- Initial assessment
- Hormone therapy
- The Real Life Experience
- Surgical procedures as appropriate

The Real Life Experience (RLE)

is a period of at least 12 months in which a person presents in their new gender for all purposes. During this time they will receive oestrogen or testosterone therapy, depending upon whether they are a trans woman (male to female) or a trans man (female to male).

The RLE is a required precursor to any referral for irreversible treatment. During the RLE they must work or be a full time student,



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change all their documentation apart from their birth certificate and take part in ordinary social life. A trans person will not be able to have any gender reassignment surgical procedures until they have satisfied at least two psychiatrists that they have adjusted well during this time.

- Trans people have a known medical condition
- Trans people may wish to keep their transsexual status private.
- Transsexualism is not a mental illness
- A trans person feels that they are the gender that they present themselves as whether or not they have undergone surgical reassignment
- Once established into their new social gender many people will use leisure facilities as normal.

Many trans people will be clearly visible as trans, particularly during the RLE, and some will be for the remainder of their life. However, just as with other people who have medical issues and conditions, or appear different, it is essential that trans people are given respect and afforded dignity so as to enable their equal participation in society.



Claire, trans woman, racing cyclist

Once a person starts gender reassignment, he or she lives the rest of their life as a member of their acquired gender. It is not something someone decides overnight or something someone would do in order to play women's or men's sport.



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Press for Change (PFC) is the largest representative organization for trans people in the UK. PFC was formed in 1992 to “achieve equal civil rights and liberties for all trans people in the United Kingdom, through legislation and social change”.

Today PFC has a membership of approximately 2,000 trans people of which around 650 are actively involved, and reaches another 800 through a number of self-help networks.

Over the last 12 years PFC has been enormously successful in enabling the trans community to work towards social and legal change, with the aim of ensuring that trans people can participate fully in society as equal citizens. This has involved media and news work, provision of education and information, and seeking changes in the law through the British and European courts. Changes brought about through case law have led to the Gender Recognition Act 2004.

The PFC website is one of the biggest political and educational websites in the world, receiving an average of 600,000 hits each month and our work and methods have been copied worldwide leading to change as far afield as South Africa and Japan.

Press for Change has worked with the Department of Constitutional Affairs in advising UK Sport on the legal rights trans people have to access sporting facilities and to take part in sporting activities.



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Useful Contacts

The Institute of Sport and Recreation Management (ISRM)

Promotes the provision of facilities for Recreation, sport or other leisure time occupations in the interest of health and social welfare.

Sir John Beckwith Centre for Sport
Loughborough University
Loughborough
Leics
LE11 3TU
Tel: 01509 226474
Email: info@isrm.co.uk
www.isrm.co.uk

The FTM Network

A support organisation for people born female bodied who are transsexual or transgender and live permanently as men

BM Network
London, WC1N 3XX
Helpline: 0161 432 1915
Email: membership@ftm.org.uk
www.ftm.org.uk

The Women's Sport Foundation

An organisation dedicated to improving and promoting opportunities for women and girls in sport and physical activity
www.wsf.org.uk

3rd Floor, Victoria House, Bloomsbury Square, London, WC1B 4SE
Phone 020 7273 1740
E-mail: info@wsf.org.uk

CCPR

An umbrella body covering governing bodies of sport and recreation
www.ccpr.org.uk

Francis House, Francis Street, London, SW1P 1DE
Phone 020 7854 8500
Email: info@ccpr.org.uk

UK Sport

UK Sport is the agency charged by the Government with responsibility for creating a strategy for developing high-performance sport in the UK

40 Bernard Street, London, WC1N 1ST
Phone 020 7211 5100
Email: info@uksport.gov.uk
www.uksport.gov.uk

The Department for Culture, Media and Sport (DCMS)

DCMS is responsible for Government policy on sport

2-4 Cockspur Street, London, SW1Y 5DH
Phone 020 7211 6200
Email: enquiries@culture.gov.uk
www.culture.gov.uk

For Further Details

email: letters@pfc.org.uk



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