



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

EQUALITY & GENDER REASSIGNMENT FACTSHEET

Introduction

Gender reassignment is a 'protected characteristic' in the Equality Act 2010. The Act protects transsexual people who are undergoing, have undergone or intend to undergo a process of gender reassignment. This legal protection against discrimination for transsexual people includes protection against discrimination on the basis of perceived gender reassignment.

There are many other individuals who identify as not entirely or exclusively the gender that they were assigned at birth, or the gender which might be considered conventional by society and, therefore, discrimination based on perceived gender reassignment includes incidents where transvestites and other trans people have been discriminated against because they are perceived to be transsexual.

The issues

It is extremely difficult to obtain accurate figures for the general or older trans population in Wales or the UK generally. This is primarily due to the sensitive nature of the issues involved and the fear many transgender people have of how others will react to them.

Some older people have transitioned in younger life and have now grown older. In the UK the first female to male medical procedures began in the late 1940's and male to female in the 1950's. There are others who have decided to transition in later life. These two groups will have very different life experiences and options available to them.

The first group in many respects will have similar experiences of growing older as the wider ageing population. However, their personal experience of ageing will have presented unique challenges. This group will have also had a longer period of exposure to hostility. For those transitioning in later life, whilst the situation is very far from perfect, there is slightly more societal awareness of trans matters. Hate crime against trans people is a growing concern, particularly for older trans people.

The pension eligibility of older transsexual people is based on their gender at birth unless they have a Gender Recognition Certificate. Similarly, the Certificate ensures that their retirement age is determined by their new gender. Public agency workers should be aware that it is illegal to disclose information about a person's transsexual status without obtaining prior consent.

Conclusions

Trans issues are inherently complex and ageing can add to these complexities. As trans people present in greater numbers, it will be crucial that public services train their staff in how to respond to their needs. At present, older trans people do not feel that they are accepted by society and this can lead to a fear of socialising, therefore, it is important that there is direct engagement with trans people by public services so they can be heard from. Misunderstanding or ignorance of trans issues can unfortunately lead to a lack of dignity and respect in care settings, for example, older trans people suffering from dementia who are dressed in clothing associated with their supposed gender can suffer extreme distress and contribute to their confusion. This not only contravenes the protection offered by the Equality Act 2010 but also breaches their human rights. Public services should take time to think through these issues and decide how to respond.

To see the evidence base for this factsheet and further resources visit www.olderpeoplewales.com