



# Gender Affirmation Policy

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## Purpose

At ENGIE ANZ we value and respect individual diversity in our workplace and our aim is to foster an inclusive culture where all team members and their diversity are respected and celebrated. We are committed to creating an inclusive and safe workplace for our lesbian, gay, bisexual, transgender, asexual, intersex, queer, asexual and gender diverse (LGBTIQA+) team members.

We support our team members in their right to express their gender identity in a safe and inclusive environment that is free from discrimination, harassment and bullying.

This policy is designed to help team members and line managers understand the entitlements team members have in relation to gender affirmation leave.

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## Commencement

This policy is effective for all team members in Australia and New Zealand on or after 23 December 2021.

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## Application

This policy applies to team members of ENGIE Australia & New Zealand. This policy does not form part of any team member's contract of employment. This policy is aligned to minimum entitlements outlined in the *National Employment Standards (NES)* and *Fair Work Act 2009* (Cth).

This policy is not intended to override entitlements outlined in any Enterprise Agreement or industrial instrument, and rather provides a minimum of what team members at ENGIE are entitled to. Where a discrepancy between this policy and an industrial instrument exists, the affected team member will be entitled to the more generous of the conflicting entitlements.

Whilst team members are expected to comply with the terms of this policy, this policy is not binding on ENGIE and can be amended or withdrawn by ENGIE at any time. For the avoidance of doubt, this policy is not incorporated into any contract of employment.

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## Definitions

We recognise that everyone's gender affirmation journey is unique and personal to them. Gender affirmation may include the following pathways:

- **Social affirmation** such as a changing your name, pronouns or appearance;
- **Medical affirmation** such as taking hormones or having affirmative surgery; and
- **Legal affirmation** such as updating your name or gender at work or on official documents, records or forms of identification.



The following terms are used throughout this policy:

- **Affirmed gender** refers to an individual's gender self-identification, rather than the gender that was assumed based on the sex they were assigned at birth;
- **Gender or gender identity** refers to the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth;
- **Transgender or trans** refers to people who experience an incongruence between their birth gender and the gender to which they feel they belong, and/or have a gender identity that is inconsistent with societal expectations of their sex;
- **Transition** refers to the period of time required by the trans person to change, whether by social or medical means, from their birth gender to their affirmed gender. Transitioning is a holistic process, does not necessarily involve medical procedures, and varies depending on the individual.

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## Entitlement

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ENGIE is committed to supporting team members who require leave related to affirming their gender. Team members are entitled to 10 days' paid gender affirmation leave during each year of service. This leave is in addition to a team member's entitlement to annual and personal leave.

Gender affirmation leave is available for team members who require time away to undertake or physically manage their gender affirmation. This may include (but is not limited to) attendance at medical, counselling or legal appointments, recovery from surgery or when a team member is seeking assistance to change their name, pronouns or appearance.

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## Taking gender affirmation leave

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Gender affirmation leave:

- is available in full at the start of each 12 month period of the team member's employment; and
- does not accumulate from year to year;
- is available in full to part-time; and
- will not be paid out upon termination of employment.

A team member may take gender affirmation leave as:

- a single continuous 10 day period; or
- separate periods of one or more days each; or



- any separate periods to which the team member and ENGIE agree, including periods of less than one day.

Team members who take paid gender affirmation leave will receive all entitlements, benefits and allowances that they would otherwise receive had they been at work for the period that they are on leave.

### **Notice requirements**

Where possible, ENGIE requests that a team member gives their line manager or a Human Resources representative notice of the taking of leave under this policy. If notice can be given, it should:

- be given to the line manager or human resources as soon as practicable (which may be a time after the leave has started); and
- advise the line manager or human resources of the period, or expected period, of the leave.

### **Evidence**

Where reasonable, when a team member has provided notice of the intention to take gender affirmation leave, or after the leave has been taken, human resources or a line manager may request that the team member provide evidence that would satisfy a reasonable person that:

- the leave is taken for the purpose of undertaking or managing the affirmation of their gender; and
- it is impractical for the team member to do the activity outside the team member's ordinary hours of work.

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### **Obligations during gender affirmation leave**

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While on gender affirmation leave, team members must continue to comply with relevant policies and contractual obligations.

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### **Gender Affirmation Plan**

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ENGIE is committed to supporting team members in all stages of their gender affirmation journey and recognises that this will be unique to each person's individual circumstances.

We understand that discussions around gender affirmation are deeply personal and there is no requirement for any team member to discuss or disclose their intention to affirm their gender. However, to ensure team members have the support they need, we encourage team members to speak with their line manager or local Human Resources Representative to develop a plan to assist affirming their gender in the workplace.

A Gender Affirmation Plan enables team members, their line manager and Human Resources Representative to agree the steps the team member wants to take in the workplace and may include:

- identifying support people they would like to attend meetings with (medical professional, ally, friend or family member);
- how, when and by whom information is to be communicated to their immediate team, colleagues, ENGIE team members, internal or external stakeholders and clients/customers;
- identify any records or systems that need to be changed and who will need to be notified to make any changes;
- timelines and milestones;
- flexible work arrangements;
- leave requirements;
- name and pronoun use;
- responsibilities of the team member, line manager and Human Resources; and
- training to develop understanding and raise awareness.

All discussions with team members affirming their gender will occur in a respectful, sensitive and confidential manner.

Leaders who have been approached by a team member in regards to affirming their gender should seek advice from their local Human Resources Representative in the first instance.

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## **Support**

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There are a range of internal and external supports that team members can reach out to for assistance.

**Employee Assistance Program:** Team members and their immediate family can contact AccessEAP 24/7 for free confidential counselling and advice by:

- **Phone:** 1800 818 728
- **Online:** Username - [eap@engie.com](mailto:eap@engie.com) / Password: accesseap

On request, AccessEAP are able to provide access to counsellors who specialise in sexual or gender identity issues or are a member of the LGBTIQA+ community.

**Human Resources Representative:** Your local HR Representative is available for support and advice in relation to this policy.

**Pride in Diversity:** ENGIE is a member of Pride in Diversity, the national not-for-profit employer support program for LGBTIQA+ workplace inclusion. Pride in Diversity are able to provide training and advice in relation to gender affirmation to support team



members, their colleagues and managers. Please contact your local HR Representative for more information or to access this support.

**Transgender Victoria:** Transgender Victoria is the leading body for trans and gender diverse advocacy, training and resource development in Victoria. Transgender Victoria works to achieve justice, equity and inclusive service provision for trans and gender diverse people, their partners, families and friends.

**QLife:** Qlife provides Australia-wide anonymous, LGBTI peer support and referral for people wanting to talk about issues including sexuality, identify, gender, bodies, feelings or relationships. QLife services are delivered by trained LGBTI community members across Australia.

**Trans Health South Australia -** Provides resources for the Gender Diverse Community of South Australia to seek support and social engagement. It is also the home of the SA Practitioners List

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### **Confidentiality**

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ENGIE respects team members rights to privacy and confidentiality. Team members are not required to disclose medical information to their line manager, Human Resources or other employees of ENGIE.

Information should only be shared with the gender affirming team member's consent. Information requiring disclosure should be on a strictly 'need to know' basis, when required by law or to maintain the safety of ENGIE employees, clients or customers.

To maintain confidentiality Gender Affirmation Leave will be recorded as 'Special Leave' in ENGIE systems.

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### **Gender Expression and Presentation**

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All team members are encouraged to dress and present in a way that is consistent with their affirmed gender. Team members who work in non-uniformed environments are required to comply with ENGIE's 'Dress for Your Day' Policy. Team members who work in uniformed environments are required to comply with the uniform and occupational health and safety requirements of their workplace.

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### **Change and Bathroom Facilities**

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All team members are entitled and encouraged to use the facilities aligned with their affirmed gender.

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## **Harassment**

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To “out” a trans or gender diverse team member without their permission may be regarded as a form of harassment. Outing a person as trans or gender diverse means disclosing the person’s status to others. Permission from the team member should be sought before disclosure occurs.

Transphobic harassment will be regarded as misconduct and could be grounds for disciplinary action, up to and including summary dismissal.

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## **Discrimination**

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It is unlawful to treat a person less favorably than another person in a similar situation because of:

- that person’s gender-related identity, appearance, mannerisms or other gender related characteristics of the person; or
- because that person has physical, hormonal or genetic features that are:
  - neither wholly female or wholly male;
  - a combination of female and male; or
  - neither female nor male.

It does not matter what sex a person was assigned at birth or whether the person has undergone any medical intervention.

Engaging in conduct that constitutes discrimination will be regarded as misconduct and could be grounds for disciplinary action, up to and including summary dismissal.

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## **Form of address**

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It is important that trans or gender diverse team members are treated with respect and therefore addressed according to their preferred names and pronouns.

A trans or gender diverse team member may change their preferred name at any time during their employment with ENGIE. If a team member has changed their legal name, ENGIE records can be changed. Where possible, historical documentation should be updated so that a team member is not required to revisit their transition process with new leaders or in new roles.

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## **Data collection**

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Collecting and maintaining gender-disaggregated data at ENGIE is crucial to the ongoing monitoring of gender equality. Where gender information is collected, team members should be given the option to select Male, Female, or X (intersex, indeterminate, or other), or the option not to select any gender (if appropriate).



Only one record should be made or maintained for a team member, where systems allow for this, regardless of a change in gender or other change in personal identity.

Where a trans or gender diverse team member requests that gender information on their personal record be amended or where it is necessary to verify their gender to confirm identity or determine eligibility for a service or entitlement, ENGIE will recognize any one of the following as sufficient evidence of the team member's affirmed gender:

- A statement from a registered medical practitioner or a registered psychiatrist;
- A valid government travel document, such as a passport, that specifies their affirmed gender;
- An amended state or territory birth certificate that specifies their affirmed gender;
- A state or territory gender recognition certificate;
- A recognized details certificate showing that a state or territory Registry of Births, Deaths and Marriages has accepted a change of sex.

Gender affirmation surgery and/or hormone therapy are not pre-requisites for recognizing a change of gender in ENGIE records.

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### **Questions about this policy**

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Team members with any questions about the operation of this policy should direct their initial questions to their Human Resources representative.

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### **Amending this policy**

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The benefits provided under this policy are discretionary, and do not form a term of a team member's employment contract. ENGIE reserves the right to amend the policy at its discretion from time to time.

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### **ENGIE Australia & New Zealand: included entities**

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This policy applies to team members of ENGIE ANZ. ENGIE ANZ includes the following entities:

- Hazelwood Power Partnership;
- International Power (Australia) Pty Ltd;
- IPM Operation & Maintenance Kwinana Pty Ltd;
- Pelican Point Power Limited;
- Simply Energy;
- Simply Energy Solutions Pty Ltd;
- Synergen Power Pty Ltd;
- ENGIE Renewables Australia Pty Ltd
- ENGIE Impact Australia Pty Ltd



- ENGIE Energy Marketing Australia Pty Ltd
- ENGIE HBESS Pty Ltd
- ENGIE Hydrogen Pty Ltd
- IPAH Client Solutions Australia Pty Ltd