

Transgender Inclusion Policy

Introduction

At The Gym Group we are committed to breaking down barriers to fitness and providing a workout space that is inclusive. We value the differences that people within our gym communities bring and want everyone who walks through our doors to feel welcome and accepted for who they are.

This policy applies to members, relevant third parties and other gym users.

This policy explains our approach to transgender inclusion when providing services to members and other gym users, including the use of separate and single-sex facilities and services.

Key Principles

- **Respect and dignity** – We will avoid making assumptions about someone's gender identity. If a transgender individual chooses not to discuss these matters, we ask everyone to respect this.
- **Zero-tolerance** – We do not tolerate discrimination, harassment, bullying or victimisation because of gender reassignment or any other protected characteristic. Any such conduct will be dealt with appropriately in accordance with the Dignity at The Gym Group Policy.
- **Complaints** – Whilst we aim to ensure The Gym Group is a safe and positive environment for all, we do have robust procedures in place to ensure all complaints are taken seriously and addressed appropriately. Further details of how complaints in relation to how discrimination, bullying and harassment are managed are outlined in the "Raising Concerns and Complaints" section of this policy.
- **Confidentiality** - Information relating to a member's gender reassignment, transition or personal circumstances will be treated confidentially and will not be shared with others, unless there is a specific reason, for example it is required by law and/or we have the written consent from the individual concerned to do so.

Legal Protections & Terminology

The Equality Act 2010 protects individuals from unlawful discrimination, harassment and victimisation because of gender reassignment when using services (amongst other protected characteristics). A person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing or have undergone a process, or part of a process, to reassign their sex. Medical treatment or surgery is not required.

Under the Gender Recognition Act 2004, a full Gender Recognition Certificate legally recognises a person in their acquired gender and, subject to statutory exceptions, changes their sex for legal purposes. However, following the Supreme Court's

decision in *For Women Scotland Ltd v The Scottish Ministers*, a Gender Recognition Certificate does not change a person's sex for the purposes of the Equality Act 2010. A transgender person remains protected from discrimination and harassment because of gender reassignment, whether or not they have a Gender Recognition Certificate.

The Equality Act 2010 permits The Gym Group to provide separate or single-sex services where the relevant statutory conditions are met and, where required, doing so is a proportionate means of achieving a legitimate aim. This may include protecting members' privacy, dignity or safety. In deciding whether a restriction is proportionate, The Gym Group will consider its effect on affected members and whether suitable, less restrictive alternatives are available.

The Equality Act 2010 uses the term "transsexual" to describe individuals with the protected characteristic of gender reassignment. We recognise that some consider this term outdated. Throughout this policy we use "transgender" or "trans" to refer to people who have the protected characteristic of gender reassignment.

In this policy:

- **Transgender man:** a person whose biological sex is female but who identifies as male
- **Transgender woman:** a person whose biological sex is male but who identifies as female
- **Transgender people:** individuals whose gender identity differs from their biological sex
- **Sex:** male or female biological sex for the purposes of the Equality Act 2010.
- **Gender:** social, cultural and personal identity

We use "transgender" as a broad, inclusive term for people whose gender identity does not align with or does not sit comfortably with their sex. We respect everyone's right to describe themselves.

Supporting Members who are transitioning

We understand that transition journeys will be unique to each individual. We are committed to supporting those who inform us that they are proposing to undergo, are undergoing or have undergone gender reassignment.

Informing us

A member may choose to inform the Gym Manager or the Customer Service Team if they are in the process of transitioning or have transitioned.

The member is not required to provide medical evidence or disclose any more personal information than is reasonably necessary to discuss the support they require when using the gym.

Where the matter is initially raised with the Customer Service team, the Customer Service agent will establish whether the member would like the matter referred to the

relevant Gym Manager. The member's information will not be shared without their consent unless there is a lawful reason to do so.

Where requested a meeting can be arranged to discuss any support required when using the gym. This could include:

- whether any changes are required to the member's name or contact details;
- how and when any agreed changes should take effect;
- whether any information needs to be shared with relevant staff and, if so, what information may be shared, with whom and when;
- the shower, toilet and changing facilities available at the relevant gym; and
- any other practical concerns raised by the member.

Following the discussion, the Gym Manager should confirm any practical arrangements agreed with the member. The arrangements should be reviewed where the member's circumstances or the facilities at the gym change, or where either the member or The Gym Group considers that the arrangements are no longer working effectively.

Confidentiality

Information about a member's gender reassignment, transition or personal circumstances will be treated confidentially.

Any record of the discussion and agreed arrangements will be stored securely. Access will be limited to those who reasonably require the information to implement those arrangements.

Information should only be shared with staff who reasonably need it to implement the agreed arrangements and only to the extent necessary for that purpose. It will not otherwise be shared without the member's consent unless there is a lawful reason to do so.

Changing Personal Details

Members may request that information held about them is corrected where it is inaccurate. Members may update their name and other communication details and wherever reasonably practicable.

Information recorded as sex may be required for specific operational purposes and any request to amend that information will be considered in light of the purpose for which the information is held and The Gym Group's legal obligations.

Requests to correct or update personal information will be handled in accordance with the Privacy Policy and applicable data protection requirements.

Names & Pronouns

Misgendering is the intentional or unintentional reference to a person or use of language to describe a person that doesn't align with their stated gender. Referring to someone by their previous name is an example of where this can occur and can have a negative impact on a transgender / transitioning individual. Pronouns are

words we use to refer to people's gender, for example he/she, his/her, some people prefer gender neutral language like they/their or ze/zir.

A person's stated or preferred pronouns should be used wherever reasonably possible and where the person's preference has been made clear. Persistent or deliberate misuse may amount to harassment.

Consistently addressing a transgender person by their previous name and/or an inappropriate pronoun may be regarded as harassment under the Equality Act 2010, depending on the circumstances.

Shower, Toilet & Changing Facilities

At The Gym Group, we operate separate single sex shower, toilet and changing facilities across the majority of our gyms, with the exception of some smaller sites which offer mixed sex single occupancy facilities.

Where separate single sex shower, toilet and changing facilities are in place, members must use the facilities aligned with their biological sex. A Gender Recognition Certificate does not change a person's sex for this purpose.

We recognise that not all transitioning or transgender individuals will feel comfortable using the changing and toilet facilities aligned to their biological sex. Our mixed sex accessible changing cubicles can be used as an alternative shower, toilet and changing space.

Should complaints be raised in relation to the shower, toilet & changing facilities policy (whether informally or formally), we will manage concerns respectfully, confidentially and sensitively in line with internal policy.

Women's Workout Spaces

Some of our gyms provide a separate single sex women's workout space.

Where this facility is available, access will be limited to biological women only in order to maintain the provision as a lawful single-sex service. A Gender Recognition Certificate does not change a person's sex for this purpose.

We recognise that this policy may affect transgender members and we will support all members in accessing suitable workout facilities to support their fitness goals.

Discrimination, Harassment and Termination of Membership

Members must not discriminate against, harass or victimise another member, gym user or member of staff because of gender reassignment or any other protected characteristic. This includes conduct in the gym, through any service provided by The Gym Group or in communications connected with a person's membership.

Where an allegation of discrimination, harassment or victimisation is made against a member, The Gym Group will investigate the matter and give the member a reasonable opportunity to respond before deciding what action is appropriate.

If, following an investigation, The Gym Group reasonably concludes that a member has discriminated against, harassed or victimised another person because of gender reassignment (or any other protected characteristic), The Gym Group may terminate that member's membership with immediate effect and without notice. The Gym Group may also take any other action permitted under its Membership Terms and Conditions.

Raising Concerns or Complaints

A member who has a concern about the support provided, the implementation of any agreed arrangements, the use of facilities or the conduct of another member or member of staff should raise their concerns in accordance with The Dignity at The Gym Group Policy or complaints procedure.

The complaint will be considered objectively, respectfully, confidentially and sensitively. An appropriate manager will discuss the concern with the member, consider the rights and interests of everyone affected and determine whether any further action or alternative arrangements are appropriate.

Complaints involving access to separate or single-sex facilities will be considered in accordance with the Equality Act 2010 and the relevant provisions of this policy. The fact that a complaint has been made will not, by itself, determine whether a member may use a particular facility.

A member will not be treated unfavourably because they have raised a concern or complaint under this policy.

Data Collection & Monitoring

We collect information about sex during the member join journey to help understand our member demographics and for operational, product and service development purposes. We collect only the minimum information necessary for these purposes. All data is collected via our member management system and held securely in line with our Privacy Policy.

Any equality-monitoring information which is collected will be used only for the purpose for which it was collected and handled in accordance with the Privacy Policy and applicable data protection requirements.

Related Policies

The following policies/documents should be read in addition to this document:

- Dignity at The Gym Group policy
- Diversity, Inclusion & Equality Manifesto
- Membership Terms and Conditions
- Member rules

