



## **ASLEF Consultation Response – Gender Recognition Reform Bill (Scotland)**

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing over 21,000 members in train operating companies and freight companies with just under 2,000 in Scotland. We have active members who are trans and our LGBT+ and Women's representative committee have campaigned for self identification.

### **The removal of the requirement for a medical diagnosis of gender dysphoria and supporting medical evidence. – Please share your thoughts on the issue**

2. The removal of the requirement for a medical diagnosis of gender dysphoria and supporting medical evidence following the similar models used by other European countries such as the Republic of Ireland, Malta, Denmark and Iceland will remove the unnecessary anxiety, intrusive and humiliating barriers to receiving a gender recognition certificate.
3. Removing the medical diagnosis of gender dysphoria also helps to remove stigma by de-medicalising the process and de-pathologising being trans. Trans people can feel put off undergoing the process due to having to be diagnosed with gender dysphoria as this carries associated stigma of having a 'mental illness'. This view can also lead to some people and organisations trying to 'cure' trans people, so adjusting the GRC process will help to reduce the transphobia many trans people face.

### **Provisions enabling applicants to make a statutory declaration that they have lived in the acquired gender for a minimum of three months (rather than the current period of two years) and that they intend to live permanently in their acquired gender. – Please share your thoughts on these provisions**

4. Removing the barrier of two years along with the panel process enables trans people to approach the important step of receiving a GRC without the fear and anxiety of having to fulfil the two year period and then have to have your medical information picked over by a panel.
5. Trans people applying for a GRC do not do so flippantly and it is usually one aspect of the long transition that the person is going through. At present the long wait time and intrusive nature of how they are 'living in-line' with their gender.

6. Two years is also a long period of time to specify that someone must be living in-line with their gender especially when there is no similar delay to changing names and gender on other records and documents such as passports. This added delay can lead to a fear of having to share a birth certificate when required to provide documentation for certain services. Bringing down the time to three months allows trans people to update their documents and birth certificates within the same year avoiding a long overlap of time where documents do not match.
7. As part of the process the person must declare that they will live permanently in their acquired gender it avoids any unfounded fear that some loud fringe groups may have around nefarious people being able to use the process flippantly.

**Whether applications should be made to the Registrar General for Scotland instead of the Gender Recognition Panel, a UK Tribunal. – Please share your thoughts on this issue**

8. Moving the processing of applications from the Gender Recognition Panel to the Registrar General is sensible as it would speed up the process and remove the required scrutiny of a trans person's ability to meet the criteria for legal gender recognition.
9. As the requirement for medical evidence and a medical diagnosis will also be removed there would not be anything for the panel to assess and it should simply be more of an administrative process.

**Proposals that applications are to be determined by the Registrar General after a further period of reflection of at least three months. – Please share your thoughts on these proposals**

10. An application for a GRC requires that the applicant swears under oath so the requirement of a three month period before and a three month cooling off period after can seem arbitrary. If the applicant has already demonstrably met the three months 'living-in' period and then sworn under oath that they wish to apply for the GRC one would assume that they are certain in their choices.
11. We do however appreciate that the three month cooling off period may help alleviate the unfounded fears of loud fringe groups of the process being abused, despite the penalty that is carried with doing so due to the applicant having to swear under oath.

**Whether the minimum age for applicants for obtaining a GRC should be reduced from 18 to 16. – Please share your thoughts on this issue**

12. In Scotland 16 year olds can vote, get married, consent to medical treatments and have access to many other rights. As such it makes sense that the minimum age for applicants should reflect this and also be 16.

13. As 16 year olds are able to change their name and gender on other documents, it is sensible that they are able to apply to obtain a GRC this will also help to avoid the two years of mismatched documents when they may be starting their first job or applying for a further education place.

**If you have any comments on the provisions for interim GRCs. – Please share your thoughts on the provisions**

14. We are supportive of the provisions for interim GRCs due to their use as grounds for divorce or dissolution and being able to allow a trans person to still access legal gender recognition when a spouse is not supportive.

**If you have any comments on the provisions for confirmatory GRCs for applicants who have overseas gender recognition. – Please share your thoughts on the provisions**

15. We are supportive of this part of the bill however we do not see it being required by many people.

**If you have any comments on the offences of knowingly making a false application or including false information. – Please share your thoughts on the offences**

16. It appears that the offence of making a false declaration or application for a GRC mirrors pre-existing legislations for making a false statutory declaration so it may be unnecessary to introduce this offence due to the duplication.

17. The second offence is not currently covered by existing law and is a sensible introduction.

**If you have any comments on the removal of powers to introduce a fee. – Please share your thoughts on this**

18. The removal of a fee ensures that people are not charged to access a legal right and ensures that trans people are able to apply for a GRC without the added barrier or worry of a fee.

**If the Bill's intended policy outcomes could be delivered through other means such as using existing legislation or in another way? - Please share your thoughts on this**

19. As the bill is changing a process described in law we cannot see an alternative way of reaching the bill's intended policy outcomes with existing legislation.

Mick Whelan  
ASLEF  
General Secretary  
77 St John Street  
London  
EC1M 4NN