

Guidelines to Support Trans and Gender Variant Employees



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A NOTE ON LANGUAGE USE

Our understanding of sex, sexual orientation, and gender identity/expression is individual and rapidly evolving, which creates complexities in the use of language in this area; language itself is similarly nuanced and continually evolving. While careful consideration has been given throughout these guidelines to respectful, inclusive, and contemporary language use, it is recognized that over the life of this document language is likely to shift and evolve. The effect is that some of the language used in these guidelines may not reflect current terminology or comprehension of existing terminology at the time of reading. Where specific challenges of language were known at the time of publication, and no solution was readily available, a note reflecting the language chosen as well as how it is to be understood has been included. For those to whom the concepts and terms in these guidelines are unfamiliar, it may be helpful to review the terms and concepts provided at the end of this document prior to reviewing the guidelines.

ABOUT GENDER IDENTITY AND GENDER EXPRESSION

Identity is fluid and complex; it is experienced, interpreted, and expressed in many ways. Our identity is determined by how we see ourselves and how others see us as well as how these two, sometimes oppositional, views interact. People are much more than the sum of their parts; their lives involve multiple interconnected identities and experiences that contribute to a person's unique lived experience. Understanding the differences in our individual identities is important because it impacts under what circumstances and to what degree our identities are recognized and supported by others (e.g., accepting some parts of a person's identity as valid but not others, accepting a person's identities in certain settings or around certain people but not others).

Everyone has a gender identity, and we all express our **gender** in different ways. Gender identity is an individual's internal sense of being a man, woman, both, neither, or somewhere in between. **Gender identity** refers to the internal experience of a person that cannot be experienced or seen by others.

For many people, their gender identity or expression is consistent with their assigned **sex**

ACCOUNTABILITIES

Deputy Heads are accountable for

- ▶ championing and modeling respect and inclusion
- ▶ establishing a respectful environment for all employees that affirms the value of diversity and inclusion in the workplace
- ▶ ensuring all employees are provided with an opportunity to access relevant professional development

Managers are accountable for

- ▶ modeling respect and inclusion
- ▶ establishing a respectful environment for all employees that affirms the value of diversity and inclusion in the workplace
- ▶ ensuring all employees are provided with an opportunity to access relevant professional development
- ▶ taking personal responsibility to educate themselves in the relevant subject matter (e.g., basic understanding of gender identity and expression, awareness of government processes and resources)
- ▶ taking reasonable action to address any matters that arise contrary to the Respectful Workplace Policy and these guidelines

Employees are accountable for

- ▶ treating all persons with respect and dignity
- ▶ affirming the diversity and inclusion of all employees
- ▶ participating in relevant professional development opportunities

Human Resource Professionals

Human Resource Professionals are accountable for

- ▶ modeling respect and inclusion
- ▶ affirming the value of diversity and inclusion in the workplace
- ▶ responding to inquiries from employees and managers
- ▶ referring matters to the PSC Subject Matter Expert (Sexual Orientation and Gender Identity), as identified by the Director, Respectful Workplace and Corporate Diversity, or equivalent

Subject Matter Expert (Sexual Orientation and Gender Identity)

The Subject Matter Expert (Sexual Orientation and Gender Identity) or their equivalent is accountable for

- ▶ modeling respect and inclusion
- ▶

GUIDELINES TO SUPPORT TRANS AND GENDER VARIANT EMPLOYEES

The foundational principles that informed development of these guidelines and guide decisions around requests under these guidelines include the following:

- ▶ Trans and gender variant employees have a right to access spaces within the workplace and experience their work environment in ways that correspond to their gender identity.
- ▶ Self-identification is the sole measure of an employee's gender identity.

Keep an employee's trans or gender variant identity confidential by not disclosing it to others (e.g., human resource professionals, supervisors, team members), unless the employee has authorized such disclosure (i.e., to fulfill a specific request for support) or a legal proceeding requires disclosure.

Consistently use employees' identified name(s) and pronoun(s) in ways and places that they have requested and consistent with legal requirements.

Dress codes and rules of appropriate dress/appearance support the full expression of the

Expectations around employee dress and appearance are flexible and not gender-specific.

Employees can safely and fully participate in all aspects of work life, including social events,

Employees participate in all aspects of work life, including social events, in ways that are safe, comfortable, and consistent with their gender identity. Activities based on or segregated by gender are avoided.

Where gender-specific work assignments or duties exist, employees are assigned and participate in ways they feel safe and comfortable and, if requested by the employee, are consistent with their gender identity.

Employees are supported in accessing, and are able to utilize, washroom and change room fa-

Employees access facilities that they are comfortable using and correspond to their gender identity, regardless of their sex assigned at birth.

Requests for supports are an individual, employee led, collaborative, and employee/solution focused process. This means that the process is


- ▶ specific to each trans or gender variant employee, their needs, workplace, etc.
- ▶ initiated, and specific supports identified/requested, by the employee
- ▶ an ongoing, communicative and consultative process between the



Keep an employee's trans/gender variant identity confidential by not disclosing it to others (e.g., human resource professionals, supervisors, team members), unless the employee has authorized such disclosure (i.e., to fulfill a specific request for support).

- ▶ If it is determined that an employee's trans/gender variant identity must be shared, the employee must be notified prior to the information being disclosed, except in rare circumstances (i.e., legal proceedings). Where an employee's identity must be disclosed, the employee should be told with whom the information will be shared and for what purposes.
- ▶ Due to some hiring requirements and processes (e.g., criminal record check, child abuse registry check) a trans or gender variant applicant's/employee's current and previous legal name(s) and current and previous legal sex designation(s) may be recorded on employment-re-






Dress codes and rules of appropriate dress/appearance support the full

Expectations around employee dress and appearance are flexible and not gender-specific.

- ▶ Employees, regardless of whether they have indicated that they identify as trans or gender variant, are able to dress in a manner consistent with their gender identity. No employee should be required to dress or present themselves in a stereotypically feminine or masculine way in order to be treated respectfully.
- ▶ Requiring employees to choose between “men’s” and “women’s” clothing is not appropriate.



Employees are entitled to dress consistent with their gender identity at a similar standard of dress and appearance as would be expected of other employees in their workplace and/or of a similar position. An employee’s decision to alter their dress and appearance may happen before, during, or after a social transition within the workplace and as such the status of an employee’s transition should not impact their ability to dress in a manner consistent with their gender identity.



Employees can safely and fully participate in all aspects of work life,

Employees participate in all aspects of work life, including social events, in ways that are safe, comfortable, and consistent with their gender identity. Activities based on or segregated by gender are avoided.

- ▶ When planning and executing events/activities, give care and concern to who among the group may be impacted and in which ways.
- ▶ Requiring participation based on an employee’s sex assigned at birth or status of medical transition is not acceptable.



A jewelry party is being planned; invites are sent to only the women on the team. A gender variant team member who does not identify themselves within the **gender binary** is not invited. Additionally, there are some men on the team who would have enjoyed the event and are not invited. All employees should be able to participate in events.





Where gender-specific work assignments or duties exist, employees are assigned and participate in ways they feel safe and comfortable and, if requested by the employee, are consistent with their gender identity.

- ▶ In rare instances, there may be a need to assign work on a gender-specific basis (i.e., in correctional services with offender body search processes.). Placing a trans or gender variant employee in a gender-specific assignment or requiring them to perform gender-specific duties should be informed by the employee's comfort/safety level and, if requested by the employee, correspond to their gender identity regardless of their sex assigned at birth.

- ▶ Requiring medical transition or providing "proof of transition" ~~is not required~~

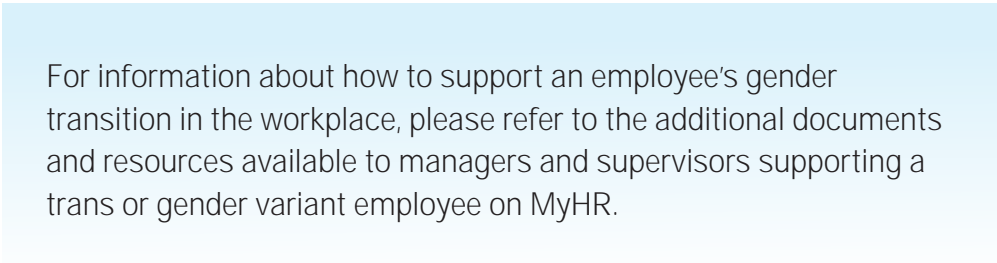


Employees are supported in accessing, and are able to utilize, washroom


Employees access and utilize facilities that they are comfortable using and correspond to their gender identity, regardless of their sex assigned at birth.

- ▶ Requiring a trans or gender variant employee to use the facilities that correspond to the employee's sex assigned at birth, status of medical transition, or to "prove" their gender identity (e.g., by requiring a doctor's letter, identity documents) is not acceptable.
- ▶ Where possible, an easily accessible, **all-gender washroom** will be provided for use by any employee regardless of the underlying reason (e.g., increased privacy, medical, religious, cultural, gender identity).
- ▶ It is important that the use of an all-gender washroom is a matter of choice for an employee and not a result of continuing harassment in a gender-specific facility. If possible, more than one all-gender washroom is encouraged.
- ▶ When employees are required to work off-site, access to an all-gender washroom should be considered.

1. Accessibility refers to non-stigmatizing location within the workplace and process to access, as well as physically accessible for people with accessibility concerns (i.e., wheelchair accessible).




For information about how to support an employee's gender transition in the workplace, please refer to the additional documents and resources available to managers and supervisors supporting a trans or gender variant employee on MyHR.



When accessing gender-specific facilities, an employee does not need permission to use the washroom that aligns with their gender identity.

If an employee is uncomfortable with a trans or gender variant employee's bathroom use, the use of a single-stall washroom or alternate washroom arrangement for the employee expressing discomfort is the appropriate solution. Where there are concerns or uncertainty, an appropriate human resource professional should be consulted.

When organizing an off-site meeting, the meeting organizer should make every reasonable effort to ensure that an all-gender washroom be provided for employees.



TERMS AND CONCEPTS

These definitions are not meant to label individuals but are, in some instances, helpful or functional descriptors. These terms, like all words, are social constructs developed over time. New language is constantly forming to unite community members as well as divide groups by experience, politics, and other group memberships. These terms and definitions are NOT standardized and may be used and understood differently by different people and in different regions.

Although these are the most commonly used terms, employees may prefer other terms to describe their gender identity or expression. Labels and identities should only be self-identified by individuals, not assumed by others. While many pieces of a person's appearance, behaviour, or self-expression may provide cues to their presumed identity, it is the internal experience of how the person identifies that is the sole definition of their identity regardless of other factors.

washrooms accessible by persons of all genders (e.g., male identified, female identified, trans, gender variant) who prefer increased privacy for any reason; they may or may not be accessible by persons with disabilities. All-gender washrooms may be marked with specialized signage indicating that it is an all-gender washroom in English, French, and Braille, as well as whether or not the space is accessible for persons with disabilities.

A socially constructed system that divides sex and gender

Where a person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, protected by the Nova Scotia Human Rights Act that has the effect of imposing burdens, obligations, or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits, and advantages available to other individuals or classes of individuals in society.

A social construct based on emotional, behavioural, psychological, and physical characteristics that classify an individual as feminine, masculine, female, male, androgynous, or other. Most assume that a person's gender is based on the sex they are assigned at birth (e.g., babies assigned male at birth will be boys/men and females assigned at birth will be girls/women). Gender can be understood to have several components, including gender identity, gender expression, and gender roles. A society or culture develops the roles and relationships, traits, behaviours, values, power, and influence appropriate between the two genders.

A label for the experience of individuals whose gender identity is fluid (i.e., subject to change and/or redefinition over time) and falls outside the male/female gender binary. Genderqueer individuals often reject this binary completely and may choose not to undergo medical/surgical transitions or designate male or female pronouns for themselves. Some trans or genderqueer individuals may choose to use gender-neutral pronouns such as hir (pronounced "here"), ze, or they.

How people present their own sense of gender to society. Your gender identity is what you know yourself to be and

Identified Name: A trans or gender variant person may identify a name other than their legal name which is more congruent with their gender identity and which may reduce distress and/or enhance their comfort. Some individuals may also refer to this as a preferred name; however, it is important to know that "preferred name" may be understood by some individuals to indicate that they have a preference, or choice, with respect to their gender identity.

Identified Pronoun: A trans or gender variant person may identify a pronoun other than the pronoun based on their assigned sex at birth which is more congruent with their gender identity and which may reduce distress and/or enhance their comfort. Some individuals may also refer to this as a preferred pronoun; however, it is important to know that "preferred pronoun" may be understood by individuals may have

A person who does not identify with the sex/gender that they were assigned at birth. People who are trans may identify as and use the labels transgender, transsexual, female-to-male (FTM), male-to-female (MTF), trans man, trans woman, genderqueer, gender fluid, bi-gender, pangender, ambi-gender, or polygender. Trans people may also identify in different ways that may not fit into the gender binary structure or the identities listed here.

Affirming one's gender. Transitioning may include both social (e.g., changes to name/pronoun, dress, speech/voice, mannerisms) and/or medical (e.g., gender affirming surgeries, hormone or voice therapies). The nature and path of transition is different for each person. An individual's status of transition (e.g., partial, complete, or no transition) does not validate or invalidate their gender identity.

2 "Phobia" in this context is not understood in the medical sense (an anxiety disorder related to a person, object, situation, or experience) but rather in the same vein as xenophobia; a fear of persons, objects, situations, or experiences perceived to be different, strange, or unknown. In this case, trans and gender variant persons which is exhibited through the behaviours above.

A fear, hatred, ignorance, and/or violence towards trans and gender variant people or those whose gender identity or expression otherwise does not conform to social norms/expectations of gender.

Some Aboriginal people identify themselves as two spirit rather than as bisexual, gay, lesbian, or trans. Two spirit implies the embodiment of masculine and feminine spiritual qualities within the same body. Historically, in many Aboriginal cultures two spirit people were respected leaders and medicine people. Two spirit people were often accorded special status based on their unique abilities to understand female and male perspectives.

Any place occupied by an employee as part of their employment which includes, but is not limited to, lunchrooms, a client's home or work site, vehicle, training events, conferences, business travel, work-related social gatherings, or other location where an employee is engaged in activity associated with employment.

3. Two spirit is an Aboriginal term broadly and is not unique to the Mi'kmaw people of Nova Scotia.

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