

Transgender Inclusion in the Workplace

A Primer on Gender Identity

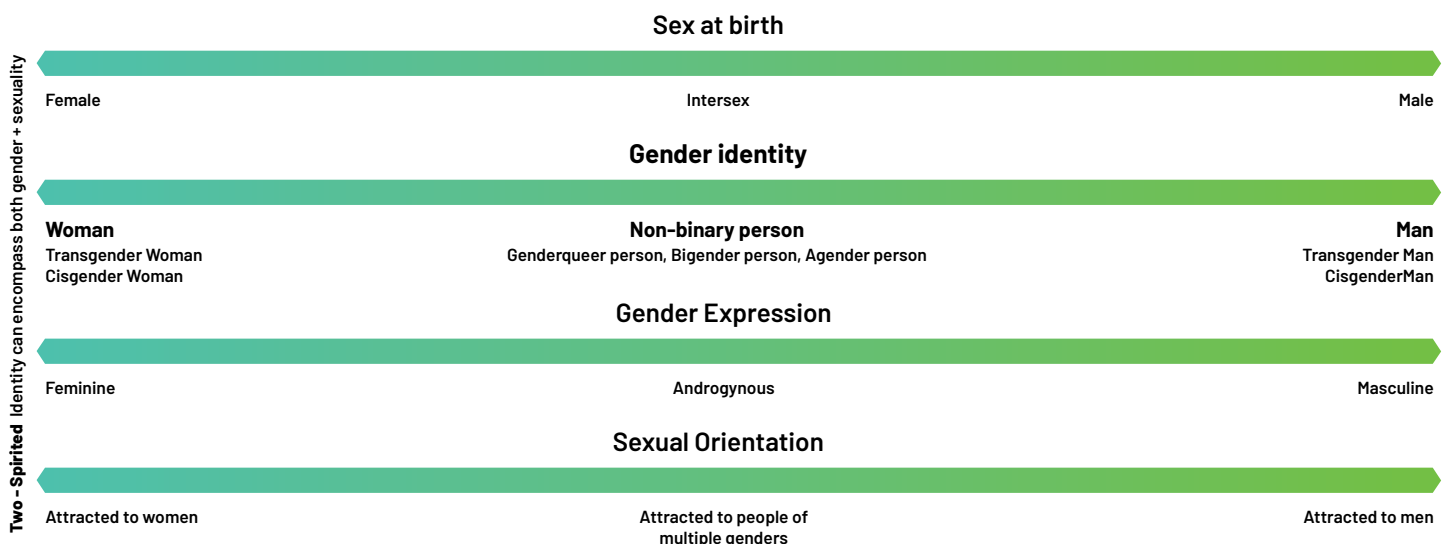
This primer is intended to provide employers and employees with some concepts and language, along with resources and practical tips to support transgender inclusion.

Terminology

Confusion and misunderstanding about transgender people happens in society. Part of this confusion stems from the ways in which sex and gender are often conflated or considered interchangeable. Every new born baby has a **sex assigned at birth** based on biological anatomy. For most people, their **gender identity** – that is, their innate sense of their gender – will align with their sex assigned at birth. The term used for people who experience this alignment is **cisgender (cis)**. However, it is estimated that 1 in 200 people will experience a dissonance or misalignment between their felt gender and their sex assigned at birth. **Transgender (trans)** is an umbrella term used to describe a wide range of people who experience this dissonance. There are many terms that people may use to self-describe their gender identity, such as trans woman and trans man. There are others who experience their gender identity outside of the binary of woman or man, and may use terms such as non-binary, gender variant and gender creative.

You do not need to be an expert and memorize all the definitions; it is more important to follow the lead of the individual and mirror the language that they use. It is also helpful to understand that much like sexual orientation (our attractions to others), both sex and gender occur along a continuum and exist beyond the binary of female/woman and male/man. A final term to be aware of is gender expression. This is the many ways in which a person chooses to express or present their gender such as dress attire, hair style, voice and mannerisms.

Transgender people may, or may not, undergo treatment, including gender affirming surgery and hormone therapy, to create a more harmonious balance between their felt gender and their bodies. This is generally referred to as transitioning. Other aspects of a transition may include a name change and pronoun preference. There is no singular path; everyone charts their own journey.



About the Law

In June 2017, the Canadian Human Rights Act was amended to explicitly include “gender identity and gender expression” as protected grounds against discrimination.

The BC Human Rights Code was similarly amended in 2016. This amended legislation supports existing case law, which allows a transgender individual to access the washroom that aligns with their self-determined gender identity. As such, directing a transgender person to a separate washroom is not appropriate and may be considered discrimination.

Discrimination can take many forms, and can be intentional or unintentional, overt or systemic. Some examples of discrimination against trans individuals in the workplace can include, but are not limited to:

- Refusing to hire or promote a transgender employee;
- Refusing to work with a transgender employee or leaving the person out of meetings or decision-making;
- Offensive jokes or sending offensive images; and
- Refusing to provide a necessary accommodation.

Practical Tips

When meeting someone new, we often make assumptions based on such things as physical appearance, attire and voice to determine their gender. Rather than relying on assumptions, here are some practical tips in support of respectful and inclusive practices:

1 Rather than greeting people with “Ma’am” and “Sir,” try a simple “Good afternoon, how can I help you?”

2 In meetings where people are new to one another, model inclusive language by sharing the pronoun you use.

3 Instill the practice of offering all washroom options available when a person asks for directions. For instance, “the women’s and men’s washrooms are to the left and we have a single-user washroom down the hall to the right.”

