

# SUPPORTING TRANSGENDER AND GENDER DIVERSE EMPLOYEES IN THE WORKPLACE



# CONTENTS

- Acknowledgement ..... 2
- Introduction ..... 3
- Understanding Gender Identity ..... 4
- Concerns Impacting Trans People ..... 5
- Transitioning ..... 5
- Human Rights and Employer Responsibilities ..... 5
- Coming Out and Transitioning in the Workplace: Engaging in Collaborative Support and Communication Planning ..... 6
  - 1. Consultation ..... 7
  - 2. Support and Communication Planning ..... 7
  - 3. Putting the Plan into Action ..... 8
- Considerations for Managers ..... 8
- Responding to Third-Party Concerns ..... 8
- Support ..... 9
- Non-Binary Gender Identities ..... 9
- Resources ..... 10
- References ..... 11

## Acknowledgement

Thanks to the many people on the Employee Resource Group on Transgender Awareness who contributed to the development of this guide and to Homewood Health for helping us customize this resource for the BC Public Service.

## Introduction

This resource was developed to support employees and managers enhance their knowledge regarding support for transgender and gender diverse people in the workplace.

The following are some important things to keep in mind:

- Transgender people are not new in society. Trans people have been acknowledged and celebrated in various cultures for millennia. Transgender people have been celebrated and documented in the histories of the Greeks, Romans, Indians, and many Indigenous cultures throughout the world.
- Legislation and guidelines that impact trans peoples' rights and their access to healthcare are constantly evolving.
- Supporting trans people in the workplace requires respect and education.
- There is great diversity amongst transgender people. A person's individual experience of being trans may be impacted by a number of factors including their race, socio-economic status, ability, age, access to resources (including healthcare, education, etc.), and religion or culture.

Whether you identify as a trans or gender diverse person yourself, or are new to the concept of gender diversity, it is important to try your best to be open about what you do not know and be willing to learn. You may say the wrong thing or find yourself unsure about what to do in a given situation, but apologizing for misunderstandings and mistakes and exhibiting a commitment to learn are steps in the right direction.

As a manager, it is important to take responsibility for promoting respectful workplaces and not expect trans employees to educate us about workplace best practices.

## Understanding Gender Identity

A component to understanding gender identity is noting that there is a difference between sex, gender identity, gender expression, and sexual orientation. An individual's biology does not determine their gender.

Language is important when speaking about gender identity; it facilitates respect by allowing people to use language that describes their identity.

Respect can be demonstrated by asking appropriate questions about what language means to any given person, and inquiring appropriately into experiences, needs and concerns.

The following are some key terms that may help when discussing supporting trans and gender diverse employees:

- **Cisgender** refers to having a gender that matches the sex one was assigned at birth.
- **Gender Expression** refers to how a person publicly presents their gender.
- **Gender Identity** refers to each person's internal and external experience of gender which may be the same or different from their assigned sex at birth.
- **Gender Pronoun** refers to the pronoun a person uses in reference to themselves, such as she, he, they, or the person's name. There are a variety of other gender pronouns.
- **Sex** refers to the external physical characteristics used to classify humans at birth. AFAB - Assigned female at birth. AMAB - Assigned male at birth.
- **Sexual Orientation** refers to who one is sexually and/or romantically attracted to.
- **Transgender** is an umbrella term to describe a wide range of people whose gender identity and/or gender expression differ from the sex they were assigned at birth and/or the societal and cultural expectations of their assigned sex.

## Concerns Impacting Trans People

Individuals that identify as transgender may be navigating some (or all) of the following:

- Taking steps to affirm their gender (such as social and medical transitioning – see section below).
- Coming out to friends, family, partners, co-workers, and their employer (i.e. – letting people know they are trans).
- Navigating safe access to washrooms, change facilities, and other gendered spaces.
- Experiencing violence, discrimination, bullying, and harassment.
- Facing systemic barriers, such as difficulty accessing basic healthcare as well as gender affirming healthcare.

Transgender people face the prospect of losing family, friends and relationships. Coming out can be a stressful time. It can be helpful to consider how these potential challenges may impact an individual's mental, physical, emotional, financial, spiritual, and/or social well-being. If you are not a trans identified person yourself, it can be a powerful exercise to consider how your life would be different if you had to navigate some, or all, of these concerns on a daily basis.

## Transitioning

Transitioning refers to the process of changing one's existing gender expression to reflect one's gender. It is important to note that there is no single or correct way to be trans. The steps that an individual takes to affirm their gender are personal and may change over time.

Transitioning steps may involve social transitioning measures including changing: clothing, hairstyle, name, pronoun, and gender markers on identification and documents. It is important for supervisors and transitioning employees to discuss the transitioning process and to be clear about responsibilities and expectations of transitioning employees.

## Human Rights and Employer Responsibilities

Transgender people have protections under the *BC Human Rights Code* and it is a useful reference for HR professionals and managers to facilitate the prevention of discrimination against trans employees. Federal protections are also in place under the *Charter of Rights and Freedoms* and employees who work for the federal government, or who are governed by a collective agreement, may have additional protections against discrimination.

Employers' responsibilities include:

- not discriminating on the basis of gender identity or expression in hiring, training, compensation, promoting, or terminating;
- providing trans employees access to appropriate washrooms, change facilities, dress code, and uniforms;
- upholding the privacy and confidentiality of a trans employee (including keeping trans status confidential if this is the employee's preference);
- understanding and following provincial law regarding gender identity and expression (e.g., changing personnel records to reflect a trans employee's gender identity); and,
- not refusing time off for medically necessary treatments
- recognizing that transgender medical care is not cosmetic in nature;
- making accommodations for an employee, up to the point of undue hardship;
- not tolerating bullying and harassment due to their gender identity; and,
- encouraging a respectful work environment by leading by example and/or offering education support to their team.

## **Coming Out and Transitioning in the Workplace: Engaging in Collaborative Support and Communication Planning**

Trans employees have the right to change their gender identity and/or gender expression on the job. Such a gender transition is an adjustment both for the individual going through the change and for others in the workplace. It is important to understand that changes may occur gradually or rapidly and that there is no right or wrong way to transition.

In some cases employees may wish to keep their changes and plans private, or to let only some people in the workplace know. In other cases, individuals may be proud to announce their transition. In either case, the first step in supporting a transgender or gender diverse employee is consulting with them to determine their wishes around confidentiality and desired supports. If your workplace is unionized, the person may wish for a union representative to be present.

The following are some recommended steps in the process of supporting a trans or gender diverse employee that is coming out/transitioning in the workplace:

## 1. Consultation

In an initial meeting with the employee (and union representative, if desired/applicable), the following protocol is recommended:

- Ask what name and pronoun you should use when referring to the employee – affirm your commitment to doing so in your interaction;
- If requested, affirm that you will protect the worker’s privacy and confidentiality about their trans status;
- If the employee shows signs of stress/distress in talking about this subject, acknowledge that it can be difficult to talk about gender identity with an employer and that you respect their courage in coming forward;
- Let the employee know that you are here to support them, and that you will look to them for suggestions on what type of support would be helpful; and,
- Do not ask intimate personal questions about surgeries, hormones, sexual orientation, etc.

## 2. Support and Communication Planning

According to the Canadian Labour Congress (2010), components of a support and communication plan could include discussion around the following topics:

- Transition timelines regarding change of name, pronoun, and gender;
- If time off will be required for medical treatment. It is advisable to be prepared to discuss your benefit plan with the employee;
- Whether or not the employee wants to inform their supervisors, co-workers, and third parties such as clients, patients, and customers about their transition. If so, you will want to determine if that is appropriate and if the employee wishes to inform others themselves, or have this done by the union/management;
- If pronoun or naming amendments need to be made to records and system, determine the appropriate timing for these changes to be made;
- Whether training for co-workers/clients/patients will be required, and if so, how training would be conducted and by whom; and,
- How the organization intends to handle harassment, hostile reactions, or unwanted questions/interest in regards to their transition.



### 3. Putting the Plan into Action

Once a support and communication plan has been developed and is in place, it is recommended to appoint a primary contact person (e.g. Manager or HR representative) for the employee.

Suggestions:

- It is advisable to check in with the employee regularly to gather feedback on how the process is unfolding.
- Be prepared to answer questions from other staff, customers, clients and/or patients.
- Be prepared to respond quickly to any concerns about the [Standards of Conduct for Public Service Employees](#) related to workplace behavior.

### Considerations for Managers

As a person in a position of leadership, it is important to model the respect for diversity and inclusion that you expect your staff to demonstrate.

- Transphobic jokes and behaviours should not be tolerated. Transphobia is hate speech and is actionable under the BC Human Rights Code and Standards of Conduct.
- While many trans people appreciate support, advocacy and allyship, it is best to create space for trans people to speak for themselves. If that is not possible for some reason, it may be necessary to provide explicit support.
- Set an inclusive tone at meetings – use gender neutral and inclusive language to address groups of people. Instead of saying “Ok, guys”, or “Ladies, let’s get started” – try “Good morning folks” or “Have a great weekend everyone.”

### Responding to Third-Party Concerns

Customers, suppliers, clients, patients or other third-parties may react negatively towards a change in a person’s gender identity and expression. As a leader, you may be notified that the third-party wants to discontinue receiving services. In this instance, it is recommended that you reference the BC Public Service’s [corporate values](#) and commitment to diversity and respect for all. If appropriate, you may take the opportunity to educate your customer that it is important to comply with human rights requirements and ensure that all employees have equitable access to the workplace.

# Support

As a manager it is important to educate yourself about issues that are of concern to transgender people and to listen to trans employees' requests for support. Counsellors are available to support you, your employee and your team develop skills to support trans and gender diverse employees in the workplace.

Withholding part of oneself requires a great deal of energy. People who can show up at work authentically and fully are more productive, engaged, and creative members of the workforce.

# Non-Binary Gender Identities

Many people have been socialized to think about gender in a binary way (meaning there are only two options: male or female). Some individuals experience their gender as both or neither male nor female. Some may use a variety of terms to describe their gender identity, may include the following:

Genderqueer	Gender Non-Conforming	Androgyne
Agender	Third Gender	Bi-gender
Intergender	Gender Variant	Gender Neutral
Neutrois	Gender Diverse	Poly Gender
Gender fluid	Non-binary	Two Spirit

Remember not to assume what these terms mean, or what pronoun a person who identifies with these terms will use. Instead, ask respectful questions of the person about their experience and preferred language.

## Resources

[Contact MyHR](http://www2.gov.bc.ca/gov/content/careers-myhr/about-the-bc-public-service/contact-the-bc-public-service-agency) (http://www2.gov.bc.ca/gov/content/careers-myhr/about-the-bc-public-service/contact-the-bc-public-service-agency)

[Conflict Management Services](http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/working-with-others/conflict-management) (http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/working-with-others/conflict-management)

[Learning System](https://learning.gov.bc.ca/CHIPSPLM/signon.html) (https://learning.gov.bc.ca/CHIPSPLM/signon.html)

Building a Respectful Workplace  
Coaching Approach to Conversations  
Discrimination Prevention Workshop  
Diversity in the BC Public Service  
Fierce Conversations  
Managing Conflict

[Employee Relations](http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/working-with-others/promote-respect/get-available-resources) (http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/working-with-others/promote-respect/get-available-resources)

[Health and Well-Being Services](http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/safety-health-well-being/health) (http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/safety-health-well-being/health)

[Speak With a Human Resource Advisor](http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/working-with-others/promote-respect/get-available-resources) (http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/working-with-others/promote-respect/get-available-resources)

[Speak With a Performance Coach](http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/career-development/performance-coaching) (http://www2.gov.bc.ca/gov/content/careers-myhr/all-employees/career-development/performance-coaching)

## References

Alberta Civil Liberties Research Centre (2012). *Employer's Guide: Trans-identified People in the Workplace*. Retrieved from [static1.squarespace.com/static/511bd4e0e4b0cecdc77b114b/t/544feeb8e4b0ce8e378bc6c7/1414524600551/TRANS+EMT+BROCHURE+2012.pdf](http://static1.squarespace.com/static/511bd4e0e4b0cecdc77b114b/t/544feeb8e4b0ce8e378bc6c7/1414524600551/TRANS+EMT+BROCHURE+2012.pdf) on May 28, 2016

BC Public Service. *HR Policy Standards of Conduct for BC Public Service Employees*. Retrieved from <http://www2.gov.bc.ca/gov/content/careers-myhr/managers-supervisors/employee-labour-relations/conditions-agreements/policy>

BC Public Service. *HR Policy Discrimination and Harassment in the Workplace Policy*. <http://www2.gov.bc.ca/gov/content/careers-myhr/managers-supervisors/employee-labour-relations/conditions-agreements/policy>

### *BC Human Rights Code*

Canadian Labour Congress. (2010). *Workers in Transition: A Practical Guide about Gender Transition for Union Representatives*. Ottawa: The Canadian Labour Congress.

Ontario Human Rights Commission (2014). ). Policy on Preventing Discrimination because of Gender Identity and Gender Expression. Retrieved from [www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20because%20of%20gender%20identity%20and%20gender%20expression.pdf](http://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20because%20of%20gender%20identity%20and%20gender%20expression.pdf) on May 28, 2016.

Trans Rights BC (2016). *Employment*. Retrieved from [www.transrightsbc.ca/know-your-rights/employment/](http://www.transrightsbc.ca/know-your-rights/employment/) on May 22, 2016.

Transgender Health Information Program (2016). *Glossary*. Retrieved from: [transhealth.phsa.ca/trans-101/glossary](http://transhealth.phsa.ca/trans-101/glossary), May 26, 2016.



Where ideas work

**Useful Links:**

@Work: [gww.gov.bc.ca](http://gww.gov.bc.ca)

MyHR: [www.gov.bc.ca/myhr](http://www.gov.bc.ca/myhr)