

# Supporting Transgender and Gender Diverse Employees in the Workplace

For employees, supervisors and managers



## **Contents**

Introduction	3
Acknowledgement	
About this guide	
Diversity and inclusion	
Contact	5
Gender identity and transition	6
Understanding gender identity	
Transition	10
Concerns impacting transgender and gender diverse people	11
Microaggressions	11
Human rights and employer responsibilities	12
Discrimination, bullying and harassment	14
Supporting transgender and gender diverse employees	16
Roles and responsibilities	17
Allyship	19
Asking respectful questions	21
Considerations for managers and supervisors	23
Names and pronouns	24
Identification and records	25
Appearance and dress	25
Washrooms	26
Responding to third-party concerns	26
Collaborative support and communication planning	26
1. Consultation	26
2. Support and communication planning	27



3. Putting the plan into action	28
Transition plan	29
For employees transitioning in the workplace	29
Whom should I notify first?	30
How do I plan to come out at work?	30
How do I let others know?	31
What should I do if things don't go as planned?	31
Sample transition plan	33
Sample transition information letter	35
Appendices	36
Appendix A: Resources	37
BC Public Service resources	37
External resources	37
Appendix B: References	38



### Introduction

### Acknowledgement

This guide was first published in 2017. The current version was updated in 2023, reflecting a need to provide additional supports and information for supervisors, managers and employees.

The edits were led by included and excluded employees of the BC Public Service, including transgender and gender diverse employees, members of the broader 2SLGBTQ+ community and individuals with intersectional identities. External consultation included the organization QMUNITY, a non-profit organization based in BC that works to improve the lives of those in the 2SLGBTQ+ community. Thanks to the many public service employees who contributed, especially to those who shared their own, sometimes difficult, lived experience.

### About this guide

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

<u>Part A: Gender identity and transition</u> offers a high-level introduction to what it means to be transgender or gender diverse.

<u>Part B: Supporting transgender and gender diverse employees</u> provides an outline of ways supervisors and managers can meet our human rights and policy obligations to support a respectful and welcoming workplace for transgender and gender diverse colleagues.

<u>Part C: For employees transitioning in the workplace</u> offers advice and guidance to individuals who may be transitioning or considering transitioning at work.

The following are some important things to keep in mind:



- Transgender and gender diverse people are not new in society. They have been acknowledged and celebrated in various cultures for millennia, such as the Greeks, Romans, Indians and many Indigenous cultures throughout the world
- Legislation and guidelines that impact transgender and gender diverse peoples' rights and their access to healthcare are constantly evolving
- Supporting transgender and gender diverse people in the workplace requires respect and education
- There is great diversity amongst transgender and gender diverse people. A
  person's individual experience of being transgender or gender diverse may
  be impacted by a number of factors, including their race, socio-economic
  status, ability, age, access to resources (including healthcare and education)
  and religion or culture
- There is no single way to support transitioning individuals, and the ways we do continue to evolve and change

Whether you identify as a transgender or gender diverse person yourself or are new to the concept of gender diversity, it is important 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 supervisor or manager, it is important to take responsibility for promoting respectful workplaces. The obligation is not on transgender or gender diverse employees to educate others. Every employee, regardless of gender identity, expression or position in the BC Public Service, is accountable for educating themselves and promoting the dignity, respect and equity of all employees. Having a diverse workforce and creating an inclusive culture are essential to the BC Public Service and are integral to the success of our work. Finding ways to respectfully work together reflects the BC Public Service core value of integrity and moves us towards being a more diverse and inclusive organization.

### Diversity and inclusion

**Diversity:** The BC Public Service defines diversity according to legally protected



differences such as Indigenous identity, race, age, disability, sexual orientation and gender identity or expression. Diversity also includes such 'non-visible' qualities as diversity in thought, perspectives, education, socio-economic status and life experiences.

**Inclusion:** The BC Public Service defines inclusion as creating work environments in which employees feel and are involved, respected, valued and connected. The BC Public Service leverages the diversity of experiences, skills and talents of all our employees and strives to create respectful workplaces in which individuals are encouraged to bring their ideas, backgrounds and perspectives to the team and to providing service to citizens.

### Contact

For questions, comments or feedback about this guide, please contact the Reconciliation, Equity, Diversity and Inclusion branch of the Public Service Agency.



Part A

# Gender identity and transition



# Understanding gender identity

The definitions used to speak about gender are always changing. Gender identity refers to a person's internal sense of gender, which may be the same or different from their sex assigned at birth. Someone who has a gender identity that matches the one they were assigned at birth is said to be 'cisgender.' Cis is Latin for 'on the same side.' People who don't identify with the gender they were assigned at birth sometimes identify as 'transgender'. Trans is a Latin term meaning 'across', 'beyond' or 'through'.

An important part of acceptance and inclusion is respecting the idea that there is no single way to experience gender identity or engage in gender expression. Gender expression is how we display our gender to others and can vary, just like gender identity. This can include the ways we talk, the way we dress, our bodies, the activities we do and the hobbies and interests we have. There is no one right way to express any gender; we can and do express the same gender in very different ways.

Many people have been socialized to think about sex and gender in a binary way (meaning there are only two options: male/man or female/woman). However, it is important to recognize that some people may be non-binary. Others may not have a gender (often called agender). Some may have a mixed gender or move between gender identities (often called genderqueer or genderfluid). There are many terms people use to describe their gender identity. Additional information and resources on terminology can be found in the <u>appendices of this guide</u>.

You don't need to know or memorize terms or definitions to respect someone's gender identity. Most of the time, you only need to know a person's names and pronouns to refer to them correctly and respectfully. The terms and language people use can shift over time to reflect changing lives, experiences, and cultures. Remember not to assume what these terms mean, or what pronoun a person who identifies with these terms will use. Instead, ask the person what terms they use



and approach with curiosity and care. If you are comfortable, you can offer in return how you identify and the language you use to refer to yourself. It is important, when asking questions about a person's experience, to be respectful, mindful and not invasive.

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

**Gender diverse:** An inclusive term used to refer to multiple types of gender identities that fall outside cis and/or binary understandings of gender. 'Gender diverse' also uses strengths-based language, as opposed to more stigmatizing terms such as 'gender minority'.

**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 expression:** Refers to how a person presents their gender.

**Sexual orientation:** Refers to who one is sexually attracted to.

**Sex:** Physical and physiological characteristics used to classify humans at birth.

**Transgender:** An umbrella term to describe a wide range of people whose gender identity and gender expression differ from the sex they were assigned at birth and the societal and cultural expectations of their assigned sex.

**Transsexual**: A term that is now considered a slur and outdated as it emphasizes biological sex and bodies rather than gender as something that is multifaceted. While there is some movement to reclaim this term by the transgender community, the term 'transsexual' has been replaced with the more inclusive term 'transgender' (see above). If you are an ally, do not use this term.

**Cisgender:** Having a gender that matches the sex one was assigned at birth.

**Gender pronoun:** The pronoun a person uses in reference to themselves, such as she, he or they. There are a variety of other gender pronouns. Some individuals may also prefer to be referred to solely by name, without the use of pronouns.



**Two Spirit identity:** Two Spirit is an Indigenous-specific umbrella term that covers a wide array of Indigenous gender identities and sexualities. It is important to not make assumptions about what it means when a person identifies as Two Spirit. People without Indigenous heritage should not use this term for themselves. Depending on the person and the community they are from, Two Spirit can describe sexual identity only, a gender identity or connote a spiritual or leadership position. Because Two Spirit is an umbrella term, people from different nations and communities may relate to the term differently. In many cases, there are specific terms within an Indigenous language that captures the meaning(s) appropriate to their culture. It is important to note that the term 'Two Spirit' is not synonymous with 'queer'. Some Two Spirit people do not identify as queer, and some Indigenous queer people do not identify as Two Spirit.



### **Transition**

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 transgender. The steps that an individual takes to affirm their gender are personal and may change over time.

For some, transitioning may take years while for others this process may be quicker. Transitioning is a process that may occur at work and at home simultaneously or on their own separate timelines.

Transition may be visible or invisible, public or private, static or fluid. The context of a person's transition is wholly individual and may include, but is not limited to, changes in:

- Name
- Pronouns
- Identification
- Presentation (such as clothing, mannerism, speech, activities)
- Physical body
- Who is informed, when and how (such as co-workers, family, friends)

The process of transition can be exciting and entered with a lot of hope, and can also be complicated, frustrating, frightening and challenging. Some people may be 'out' in some environments and not in others.



# Concerns impacting transgender and gender diverse people

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

- Taking steps to affirm their gender (such as social and medical transition; see the Transition section above)
- Coming out to friends, family, partners, co-workers and their employer (letting people know they are transgender or gender diverse)
- Navigating safe access to washrooms, change facilities and other spaces
- Experiencing violence, discrimination, bullying and harassment
- Facing systemic barriers, such as difficulty accessing basic healthcare and gender affirming healthcare
- If physically transitioning, potentially adjusting to hormonal changes and different societal expectations of them based on how they are perceived

Coming out can be stressful. Transgender and gender diverse people face the prospect of losing family, friends and relationships. Moreover, transgender and gender diverse people with intersectional identities are more likely to face racism, ableism, misogyny and other forms of discrimination than their cisgender counterparts. If you are not a transgender or gender diverse person yourself, it can be helpful to consider how these potential challenges may impact an individual's mental, physical, emotional, financial, spiritual and social well-being.

### Microaggressions

Microaggressions are brief, commonplace interactions (such as verbal, behavioral or environmental indignities) that may occur intentionally or unintentionally in the workplace. For transgender and gender diverse people, microaggressions can



range from a colleague using incorrect pronouns to a more general office culture of erasure and exclusion. These forms of discrimination can be frustrating and exhausting. Those acting in allyship can consider correcting their colleagues or ways they can contribute to a more inclusive work environment.

Some examples of microaggressions can include:

- Asking about 'preferred pronouns' rather than acknowledging they are simply a person's pronouns
- Commenting on the difficulty of learning a new name or set of pronouns for a person
- Referring to a mixed group of people as 'guys'
- Showing intrusive curiosity like asking about medical transition
- Avoiding interactions and work with transgender and gender diverse people because you are afraid of making a mistake

Additional information on microaggressions can be found in <u>Appendix A:</u> Resources.

# Human rights and employer responsibilities

The BC Public Service commits to "recruit and develop a well-qualified and efficient public service that is representative of the diversity of the people of British Columbia" (Public Service Act).

As outlined in the <u>Corporate Plan</u>, which sets out strategic context and priorities for building a strong public service, the BC Public Service has a unique responsibility to be inclusive as one of the largest employers in the province and to



set an example for other employers. This is an opportunity and responsibility to consistently demonstrate our commitment to inclusivity and embrace diversity.

Our legislation, collective agreements and human resource policy statements require employees to:

- Treat each other with respect and dignity
- Refrain from discriminatory conduct that contravenes the <u>Human Rights</u>
   Code
- Work in ways consistent with the corporate values of the BC Public Service
- Ensure we recognize unique styles, perspectives, beliefs and creativity that support a diverse, respectful, inclusive and collaborative work environment

These policy statements and collective agreements include:

- Standards of Conduct for BC Public Service Employees
- Accountability Framework for Human Resource Management Appendix C
- Human Resource Policy 11 Discrimination, bullying and harassment in the workplace (PDF)
- BCGEU collective agreement
- PEA collective agreement
- Legislation
  - o Public Service Act
  - o <u>Human Rights Code</u>
  - o Canadian Charter of Rights and Freedoms
  - o Workers' Compensation Act
  - o Information Management Act
  - o Freedom of Information and Privacy Protection Act

Transgender and gender diverse employees have the right to discuss their gender identity or expression openly or to keep their information private. Employees may choose not to disclose information about their gender identity with everyone. Personal information (such as transgender status or previous name) under the <a href="Freedom of Information and Protection of Privacy Act">Freedom of Information and Protection of Privacy Act</a> may only be shared in



accordance with that act. For questions regarding protection of privacy, employees can contact their Ministry Privacy Officer or the <u>Privacy and Access Helpline</u>.

Employers' responsibilities include:

- Upholding human rights by not discriminating on the basis of gender identity or expression in hiring, training, determining compensation, promoting or terminating
- Providing transgender and gender diverse employees access to appropriate washrooms, change facilities, dress code and uniforms
- Upholding the privacy and confidentiality of a transgender or gender diverse employee (including keeping status confidential if this is the employee's preference)
- Understanding and following provincial law regarding gender identity and expression (such as changing personnel records to reflect a transgender or gender diverse employee's identity)
- Providing paid leave to access gender affirming medical care
- Recognizing that transgender medical care is not cosmetic in nature
- Making accommodations for an employee, up to the point of undue hardship
- Ensuring a respectful workplace and not tolerating bullying and harassment due to employees' gender identity or expression
- Encouraging a respectful work environment by leading by example and offering education support to their team

### Discrimination, bullying and harassment

Addressing discrimination, bullying and harassment is required under BC Public Service policies, collective agreements and the law.

Everyone has the responsibility to contribute to a positive work environment and the right to work in an environment free from discrimination, bullying and harassment. When inappropriate and disrespectful behaviour happens in the workplace, it needs to be stopped.

Bullying and harassment is defined in <u>HR policy 11 – Discrimination, bullying and harassment in the workplace</u> (PDF). It includes any inappropriate conduct or



comment that a person knew or reasonably ought to have known would be humiliating or intimidating. Bullying and harassment excludes reasonable actions taken by a supervisor relating to managing the workforce. Examples of bullying or harassment may be written, verbal, physical, online or electronic, a gesture or display or any combination of these.

See Addressing discrimination, bullying and harassment for more information.

Part B

# Supporting transgender and gender diverse employees



# Roles and responsibilities

The BC Public Service has an obligation to reflect and support diversity and inclusion in the workplace. All BC Public Service employees are required to comply with the <u>Standards of Conduct</u> and <u>Oath of Employment</u>. In addition, the <u>BC Public Service Corporate Values</u> describe the qualities valued in individuals within the organization. As such, every employee has a role in building a workplace that supports diversity, including supporting transgender and gender diverse employees wherever they are in their transition.

Diversity and inclusion responsibilities of executive, supervisors and individuals are identified in the <u>Accountability Framework for Human Resource Management</u> and in the <u>Key responsibilities of main participants in diversity and inclusion</u>.

For transitioning employees, support can be demonstrated by the following examples:

### Executive

- Champion and model respect for all employees that affirms diversity and inclusion
- Commit to a workplace free of harassment, discrimination and violence

### Supervisors and managers

- Communicate openly, respectfully and honestly with employees
- Ensure the health and safety of every employee
- Address any direct or indirect harassment or hostile reaction from colleagues
- Educate themselves in government processes and available resources
- Co-ordinate training and supports for co-workers, if needed
- Ensure the employee has new identification (such as photo badges, business cards)
- Ask the employee how else they can support the transition



### HR professionals

- Support inclusive hiring practices to "recruit and develop a well-qualified and efficient public service that is representative of the diversity of the people of B.C."
- Engage with 2SLGBTQ+ organizations to promote outreach to community members

### Colleagues

- Take responsibility and accountability for creating a safe, respectful workplace and carrying out work in a way that respects human rights and is inclusive
- Educate themselves through available resources, courses provided through the Learning Centre and ministry-specific diversity and inclusion learning opportunities
- Let transgender people take the lead on what topics are appropriate to discuss with them and accept their boundaries
- Believe people's identities even if you do not understand them

### Everyone

- Be familiar with and work in accordance with the corporate values, the Oath
  of Employment, Standards of Conduct and <u>Human Resources Policy 11 –</u>
  <u>Discrimination and Harassment in the Workplace</u> (PDF)
- Participate and meet their obligations outlined in mandatory training (such as the <u>Diversity and Inclusion Essentials</u> course)
- Use the correct names and pronouns for co-workers, respect how they wish to be referred to and encourage a safe space for them to be open about their experiences
- Ask transgender colleagues how else they want to be supported with their safety in the workplace



# Allyship

An ally is someone who believes in the dignity and respect of all people, and acts by supporting and advocating with groups that are targeted by social injustice. The actions of an ally will help change the culture and make the workplace a safer place for transgender and gender diverse people. The benefits of being an ally may include:

- Making a positive impact on a co-worker's life
- · Becoming a better leader
- · Developing personally and professionally
- Helping create a better and more productive workplace
- Championing and celebrating all aspects of diversity

An ally of a transgender or gender diverse person may be characterized by the following qualities and behaviours:

- Focuses on empowering the transitioning employee to make decisions and informed choices about their plan at work, and lets the transgender employee take the lead on their transition
- Checks in often to make sure they have permission before taking any actionable steps or before sharing their colleague's personal information with others
- Is knowledgeable about the additional supports and services available for the transitioning staff member and their colleagues (such as <a href="employee">employee</a> <a href="benefits">benefits</a> and <a href="health and well-being supports">health and well-being supports</a>)
- Is aware of the ground rules for safe conversations and respects boundaries
   an ally lets co-workers know that subtle forms of discrimination or harassment in the workplace are not allowed
- Ensures everyone in the workplace understands their responsibilities
- Supports an ongoing conversation about the BC Public Service's commitment to diversity and inclusion
- Is prepared to research and provide additional information to staff if they



have questions

• Models behaviour for others by treating everyone with respect and dignity

Being a good ally is more than just being there while the person is transitioning or coming out. Allyship is similar to friendship and is meant to be a lasting relationship.

Be as open and honest as you would like your co-worker to be with you:

- Be honest if this is a new mindset, but remain mindful of the transgender or gender diverse employee's needs
- Make attempts to learn and build awareness and capacity
- After making a mistake with pronouns, name or some other gendered language, best practice is to quickly acknowledge the mistake through an apology and move on
  - For example, "He was going to sorry, she was going to the store to buy staples..."
- Ask colleagues to be honest with you about your words and actions, and let them know if they say or do something that makes you uncomfortable
- Take the time to talk and be prepared to listen
- Be open to criticism and corrections as part of being an active ally



# Asking respectful questions

Curiosity is a key value in the BC Public Service. Asking a question, especially a delicate one, may require that we ask ourselves many questions first. This effort is about respect and mindfulness and requires an investment in the value and outcomes of dialogue. However, if you are in doubt as to someone's comfort level in being asked a question, then it is best to err on the side of caution and avoid the question. It is probably best to not ask at all about a person's medical information or plans. This is sensitive and private information that must be respected.

If you want to ask a question, you should be prepared to answer what your intentions are in asking the question. Be ready for the answer to be 'no' and recognize that answering the question may be more difficult than asking them. Be mindful of your expectations around what sort of response you will get and accept the answer given. For instance, if you ask a question about their family or areas that are usually considered private, they may well ask you about your personal or private life.

There are several things to help guide your curiosity:

- What is my motivation for asking? Is it out of concern or to offer the best support possible? Is it to satisfy my own curiosity? Is it in response to a rumour?
- What do I hope to accomplish by asking? Will I gain understanding or knowledge? Will I be better able to offer support? Am I looking to validate my own beliefs? Am I respecting the other person if I ask this question?
- What are the risks or benefits to asking? Is my intention clear? Could my
  question be misinterpreted or perceived as inappropriate? Is there the
  potential to improve or damage the relationship? Will the question cause
  emotional distress?
- What is the person's comfort level in being asked? What sort of relationship or rapport do you have? Have they indicated openness or willingness? Are there boundaries to consider? Would I be comfortable being asked a similar question?



- For example, if you are curious about an individual's experiences you could ask: "I imagine transitioning is a significant shift in your life. If you are comfortable with sharing, what would you like me to know about it? Or what is the biggest thing you have noticed?"
- What is my comfort level in asking? Am I taking a risk in asking? Am I ready to listen openly to the answer?
- Where else might I be able to find answers? Is there an alternative to asking the question which would still achieve the desired result? Is there an online resource or someone else who might know?

Providing these guiding questions are not meant to discourage your own questions. The act of opening a dialogue on gender identity and expression is a valuable means of empowering individuals and promoting solidarity. Even when you can find the information yourself, engaging someone in dialogue is a great opportunity to express support, openness and respect.



# Considerations for managers and supervisors

Transgender and gender diverse employees have the right to change their gender identity and 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 for managers, supervisors and colleagues to understand that changes may occur gradually or rapidly and that there is no right or wrong way to transition. Gender identity and expression can also be fluid and may fluctuate or shift over time.

In some cases, employees may wish to keep their changes or 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.

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 are not permissible in the workplace and should not be tolerated. Such actions breach the <u>Standards of Conduct</u> and may also amount to discrimination under the <u>Human Rights Code</u>
- Common language or jokes may have transphobic undertones that are not obvious to all. Examining the language you use for gender biases is an important part of respectful and inclusive communication
- While many transgender and gender diverse people appreciate support, advocacy and allyship, it is best to create space for transgender and gender diverse 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". Introduce yourself using names AND pronouns and set an expectation for others to do so as well

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.

### Names and pronouns

Respecting names and pronouns is a key part of respecting the identity of everyone around us, including transgender, genderqueer, non-binary and Two Spirit people. A person's pronoun should not be assumed based on their looks or perception of their gender identity; this includes honorifics such as Mr., Ms., sir or ma'am. Using gender-neutral language until an employee shares their pronoun is inclusive for everyone. It may feel strange to say "folks" or "everyone" instead of "guys", or "they" instead of "he" or "she" at first, but, like breaking any habit, this will become easier over time. If you do not know someone's gender, best practice suggests referring to them using gender-neutral pronouns (like "they") unless they use pronouns to define themselves.

Transitioning is not easy or necessarily linear, and changing names and pronouns is no exception. Allow employees time and space to engage in that change and respect them through the process. A transgender or gender diverse employee's name and pronouns may be identified within a communications plan (see the <a href="Transition Plan section">Transition Plan section</a> later in this guide for more detail) and shared with colleagues as part of the transition at work. There is an expectation for colleagues to use the employee's new name and pronouns; names and pronouns are not a 'preference' but a core part of a person's identity. An employee may change their mind about how they want to be referred to, sometimes more than once. They may use multiple pronouns if they are non-binary or gender diverse.



### Identification and records

An employee may use their chosen name in the workplace. A legal name is required for all legal documents (such as a pay cheque, T4), whereas an employee may have another name of choice for day-to-day interactions, which can be used for non-legal activities (for example, IDIR, e-mail signature).

Some government systems automatically use an employee's legal name. Managers and supervisors should contact <u>MyHR</u> for questions on how to maximize the use of an employee's chosen name in the workplace.

### Appearance and dress

Gender expression is a protected ground under the Human Rights Code. Regardless of gender identity, the employer has a duty to reasonably accommodate the different ways that everyone expresses their gender through their appearance and dress (such as uniforms, protective gear, clothing).

Some roles in the BC Public Service require an employee to wear a specific uniform (such as a conservation officer), however, any uniform or clothing requirements should be applied equally to all individuals regardless of gender. Supervisors should allow reasonable flexibility in dress code to accommodate people of all genders, whether they are currently transitioning or not. There should be the ability to wear mixed clothing from both genders.

Employees noticing changes to a colleague's appearance or self-expression have the responsibility to be thoughtful about whether to draw attention to this change, to use their judgement and be respectful. Some questions may seem innocent but may make a transgender or gender diverse colleague feel uncomfortable or unsafe. The best practice is to follow the lead of the person and where they are in their transition. All employees are responsible for educating themselves in a basic understanding of gender identity and expression.



### Washrooms

Employees have the right to access washrooms that correspond to their gender identity, regardless of their sex assigned at birth.

### 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 supervisor or manager, 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.

### Collaborative support and communication planning

As a supervisor or manager, it is important to educate yourself about the issues or concerns transgender and gender diverse people have, and to listen to an employees' requests for support. Counsellors are available, through <a href="Employee and Employee and Services">Employee and Employee and Employee and Employee and Employee and Employee and Services</a>, to support you, your employee and your team to develop skills to support transgender and gender diverse employees.

The following are some recommended steps in the process of supporting an employee that is coming out or transitioning in the workplace:

### 1. Consultation

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

 Ask what name and pronoun you should use when referring to the employee, and affirm your commitment to doing so in your interaction



- Ask the employee's wishes regarding disclosing their gender identity to others; if requested, affirm that you will protect the worker's privacy and confidentiality
- If the employee shows signs of stress or 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
- Do not ask intimate personal questions about surgeries, hormones, sexual orientation, etc.

### 2. Support and communication planning

According to the Canadian Labour Congress (2021), components of a support and communications 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
  - o Be prepared to discuss your benefit plan with the employee
  - Employees can access paid leave for gender-affirming medical care (dependent, as per all paid leaves, on employment status and the type of time off being requested)
- 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 or management
- If pronoun or naming amendments need to be made to records and systems, determine the appropriate timing for these changes to be made
- Whether training for co-workers, clients and patients will be required
  - o If so, how training would be conducted and by whom
- How the organization intends to handle harassment, hostile reactions or unwanted questions or interest regarding their transition



### 3. Putting the plan into action

Once a support and communications plan has been developed and is in place, it is recommended to appoint a primary contact person (such as a manager or HR representative) for the employee. Some suggestions are to:

- Check in with the employee regularly to gather feedback on how the process is unfolding
- Be prepared to make changes to the plan as the process unfolds
- Be prepared to answer questions from other staff, customers, clients and patients
- Respond quickly to any concerns about the <u>Standards of Conduct</u> for Public Service Employees related to workplace behavior

Part C

# For employees transitioning in the workplace



# Transition plan

A transition plan is an optional document that may help develop a common understanding and agreement (such as on needs, timeline, accommodations) between you and your supporter. Regardless of whether you develop a transition plan, self-care throughout the process is important.

The following questions are offered to help support this process and help shape a transition plan if you decide to choose this path.

### Whom should I notify first?

Identifying the initial support person (such as a supervisor, co-worker, human resources representative) who will assist you in initiating the transition process is a critical decision. Regardless of who you decide to talk to in the workplace, you want to choose someone who will honor your privacy and confidentiality unless you say differently. You need to feel supported and confident that they are there to work with you.

Some people will feel uncertain about approaching someone from their workplace and may need other means of support to initiate the process. <u>Employee and Family Assistance Services</u> is available as a confidential support.

There is also the <u>2SLGBTQIA+ Employee Resource Group</u>, which provides a community space allowing employees to connect and build a supportive network and includes many transgender and gender diverse members.

### How do I plan to come out at work?

You may develop a transition plan based on a date you choose to come out in the workplace. A transition plan should be flexible to accommodate unexpected circumstances that may impact the timing of this event (for example, delay in receiving legal documents, delay in processing information in PeopleSoft or to better support your personal needs). The plan may include, but is not limited to the following:



- Anticipated date for the change in your gender expression, name and pronouns
- Your wishes around privacy and confidentiality, including when, how and by whom you want co-workers to be informed (such as email, face to face, written letter)
- Who is on your support team, what do you expect or want from that team and what can they do to make your plan a reality
- What other supports are required, such as extra time to see medical professionals or a period of working from home

### How do I let others know?

You are the best person to determine the message you choose to send, how it is delivered and when to communicate with co-workers and external stakeholders where necessary. You may want to prepare a communications plan as part of your overall transition plan. Consider factors such as:

- What are the key messages?
- Who is the audience?
- How will communication be done and by whom?
- How will the size of organization and type of work environment impact the timing of the communications? (such as shift work, virtual teams)

### What should I do if things don't go as planned?

Should you encounter barriers, challenges or difficulties while transitioning, the following options and resources are available:

- Report the issue to your supervisor
- Talk to your supervisor if you need to make changes to your plan
- Visit the Address a Respectful Workplace Issue website for resources
- Connect with your shop steward or union representative, if applicable
- Submit a MyHR Service Request or call 1-877-277-0772



 Contact <u>Employee and Family Assistance Services</u> for short-term counselling services or access psychological services through the <u>extended health</u> <u>benefits</u>



## Sample transition plan

- **1.** Take a personal inventory:
  - Assess and build a self-care plan, as this can be a stressful time
  - Take the time to define your goals and identify concerns, fears and the key things you aim to achieve (for example: colleagues learn my new name, I can be myself at work, etc.)
  - Recognize and acknowledge your main concerns
- **2.** Develop a point person or support team:
  - Identify the person or team who will best support you through your transition (such as your manager, HR representative, co-workers, union steward) and have a conversation with them
  - Share key goals and concerns
  - Set out a process for any communications and set clear expectations around privacy
  - Your team should also plan and be ready to assist where needed
- **3.** Develop a list of allies and identify concerns and resources:
  - Identify the resources available to support you through the transition process
  - Identify what resources you would have liked if they were available; this can open avenues of conversation
  - Identify internal staff and stakeholders you may need to engage at some point during the transition and determine the timing when they need to be engaged
  - Identify any issues that could arise and determine some solutions
  - Consider issues and solutions that need to be addressed sooner rather than later



### **4.** Create a timeline with milestones:

- Discuss the expected timeline and the people involved at key stages
- Identify tasks that need to be completed to support the transition (such as processing legal name change documents, communications)
- Anticipated time off required for medical treatment, if known
- Discuss with your support team how to modify the timeline if you need flexibility

### **5.** Things to consider:

- How would you like your team, colleagues and clients (if applicable) to learn about your transition (such as letter, face-to-face, group versus individual discussions)? What is the approximate time required to process documentation with the BC Public Service, provincial government, federal government, professional licenses, etc.?
- Where does your current name show up on the ministry's intranet (organizational charts, contact info, etc.)? Who do you contact to get your name changed?
- How long do HR functions take to process (such as legal name changes and company directories)?
- Can you be flexible with timing if documentation is delayed in processing?



# Sample transition information letter

Dear friends and colleagues,

I am writing to share important information with you.

Over the next [time period], I will be transitioning to better reflect my gender identity. Parts of this transition are personal and others, like [example(s)] may/will be visible to others. Going forward, please refer me by my name, [name] and my pronouns, [pronouns].

[If applicable] I will be away from work for [number] weeks and will be returning to work on [date]. My email and work documents [will be updated / are in the process of being updated / have been updated].

[Name] has been supporting me through my transition and will be contacting the [unit / team / branch] to provide information, resources and identify any supports you may need as I undergo this transition.

I would appreciate your support. Thank you in advance for taking the time and making the effort to respect my gender identity. In the meantime, if you require any additional information or have any questions, please contact [supervisor, manager, executive name] at [insert contact information].

[If applicable] I look forward to returning to work.

Kindest regards,

Name



# Appendices



# Appendix A: Resources

### **BC** Public Service resources

- Connect with <u>Public Service Agency resources</u>
  - Conflict Management Office
  - o People Leader Advice Line
  - Coaching Services
  - o Employee Relations
- Courses and resources through the <u>Learning Centre</u>:
  - o Building a Respectful Workplace
  - Managing Conflict
  - Diversity in the BC Public Service
  - Fierce Conversations
  - <u>Learning Curator</u>
- Health and Well-Being Services

### External resources

- Pride at Work Canada
- QMUNITY
- BC's Office of the Human Rights Commissioner
- Government of Canada Inclusive writing tips
- The Micropedia of Microaggressions



## Appendix B: References

- <u>CCGSD Queer Vocabulary</u> (Canadian Centre for Gender and Sexual Diversity)
- <u>Employer's Guide: Trans-identified People in the Workplace</u> (From the Alberta Civil Liberties Research Centre)
- <u>Employment Trans Rights BC</u> (Trans Rights BC)
- HR Policy Discrimination, Bullying and Harassment in the Workplace (BC Public Service)
- HR Policy Standards of Conduct for BC Public Service Employees (BC Public Service)
- Human Rights Code
- <u>Talking about gender identity and gender expression</u> (Ontario Human Rights Commission)
- Queer Glossary: A to Q Terminology (QMUNITY)
- <u>Trans Care BC Glossary</u> (Provincial Health Services Authority)
- Workers in Transition: A Practical Guide about Gender Transition for Union Representatives (Canadian Labour Congress)