

Avoiding Liability For Gender Expression & Identity Discrimination



The transgendered and gender non-conforming remain a common target for [workplace discrimination](#), harassment and even violence, even though human rights laws are supposed to protect against discrimination on the basis of [gender expression and identity](#). **Cardinal Rule:** Every person has the right to define their own gender identity and employers must recognize and treat trans people as the gender they live, regardless of their gender assigned at birth and whether or not they've undergone surgery.

So, it's crucial to have a clear [gender expression and identity anti-discrimination policy](#) that addresses, at a minimum:

- Privacy and confidentiality of gender identity information;
- How you collect and maintain information about employees' gender identity;
- Dress codes;
- Access to bathrooms and changing rooms;
- Use of names and pronouns;
- Sex-segregated work assignments; and
- A process for supporting employees in gender transition.