

# Anti-Discrimination: Gender Identity & Expression Policy



## 1. POLICY

ABC Company recognizes the inherent dignity and worth of all individuals and is committed to providing all job applicants and employees equal opportunities and rights without discrimination, as well as a workplace that is respectful, inclusive, understanding, free of harassment and psychologically healthy. ABC Company does not in any way discriminate on the basis of sex, sexual orientation, gender expression or gender identity.

## 2. PURPOSE

The purpose of this Policy is to set forth clear guidelines to address the needs and protect the legal rights of employees who are transgender and gender non-conforming employees in a way to ensure their safety, comfort, privacy and self-dignity while maximizing workplace integration and minimizing stigmatization.

## 3. DEFINITIONS

The purpose of these definitions is not to affix labels but clarify terms that must be understood to achieve the objectives of this Policy, including:

- **“Gender expression”** is how a person publicly presents their gender, including via behaviour, outward appearance such as dress, hair, make-up, body language, voice and chosen name;
- **“Gender identity”** means a person’s internal, deeply-felt sense of being male, female or something other or in-between, regardless of the sex they were assigned at birth;
- **“Gender non-conforming”** refers to individuals who have, or are perceived to have, gender characteristics and/or behaviours that do not conform to traditional or societal expectations;
- **“Transgender”** is a broad term used to describe people whose gender identity and/or expression is different from their sex assigned at birth. Subsets of the term include:
  - **FTM**, or female-to-male transgender person, aka, transgender man, is a

person whose sex assigned at birth was female but who identifies as male;

- **MTF**, or male-to-female transgender person, aka, transgender woman, is a person whose sex assigned at birth was male but who identifies as female
- **Note:** Some people described by this definition don't consider themselves transgender, and may use other words, or identify simply as a man or woman; a person need not identify as transgender to be covered by this Policy;
- **"Sexual orientation"** means a person's physical or emotional attraction to people of the same and/or other gender, which may be described by terms like straight, gay and bisexual: **Note:** Sexual orientation is distinct from gender identity and expression and both transgender and non-transgender people can be gay, lesbian, bisexual, or straight;
- **"LGBT"** is a commonly used abbreviation that refers to the lesbian, gay, bisexual, and transgender community; and
- **"Transition"** refers to the process of changing one's gender from the sex assigned at birth to one's gender identity; and
  - **Every person has a:**
    - Sex assigned at birth;
    - Gender identity;
    - Gender expression; and
    - Sexual orientation

#### 4. COMPANY RECORDS

If an employee requests it, ABC Company will change the employee's official record to reflect a change in name or gender. Although preferences will be accommodated, changes to payroll, retirement accounts and other records may require a legal name change before the person's name or gender can be changed. ABC Company will also make prompt efforts to update any photographs at the transitioning employee's workplace to ensure accurate representation of the transitioning employee's gender identity and expression.

#### 5. PRIVACY

Transgender employees may discuss their gender identity or expression openly, or keep that information private. In either case, ABC Company management, supervisors and employees must respect the privacy of trans-gender employees and not disclose private information that may reveal an employee's transgender status or gender non-conforming presentation, such as the sex they were assigned at birth, to others without the transgender employee's consent, except where disclosure without consent is required by law. Where such information is disclosed, whether with or without consent, it must be limited to the minimum amount necessary to accomplish the purpose of the disclosure.

#### 6. RESTROOM ACCESSIBILITY

All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom corresponding to their gender identity, regardless of the employee's sex assigned at birth. Employees who want or need increased privacy,

regardless of underlying reason, will be provided access to a single-stall restroom, when available; however, no employee, will **be required to** use such a restroom.

## **7. LOCKER ROOM ACCESSIBILITY**

All employees have the right to use the locker room that corresponds to their gender identity. Employees who want or need increased privacy, regardless of underlying reason, may be provided with reasonable alternative changing accommodations, which may include, for example, permitting the use of a private area to change, or use of the locker room corresponding to their gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

## **8. DRESS CODES**

ABC Company will not implement dress codes that restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with company dress codes in a manner consistent with their gender identity or gender expression.

## **9. NAMES & PRONOUNS**

All employees have the right to be addressed by the name and pronoun that correspond to the employee's gender identity, upon request, without a court-ordered name or gender change. Intentional, persistent or unreasonable refusal to respect an employee's gender identity, such as by using a "his" or "her" pronoun that does not correspond to the employee's gender identity, may constitute harassment and grounds for discipline under the ABC Company Anti-Discrimination & Harassment Policy.

## **10. SEX-SEGREGATED JOB ASSIGNMENTS**

For sex-segregated jobs, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

## **11. TRANSITIONING ON THE JOB**

ABC Company will fully support employees who transition on the job. HR will work with each transitioning employee individually to ensure a successful workplace transition. *[This provision should also list:*

- The lead contact person for assisting the transitioning employee;
- What a transitioning employee can expect from management;
- Expectations of management and other staff, transitioning employees in facilitating a successful workplace transition; and
- Related policies and practices for assisting with the transition process, such as: washroom policies, dress code policies, confidentiality and privacy, recognizing the person's new name in documentation and records, anti-harassment policies, dealing with any individual accommodation needs as well as training

for management, staff and clients]

## **12. REPORTING DISCRIMINATION**

ABC Company wants to ensure all its employees feel safe, comfortable and encouraged to report any incident of discrimination or misconduct they have observe or experience. Please file a complaint about any incident to your manager or HR advisor [*contact name and info*]. If it is not appropriate to file a complaint with these individuals because they are involved in the incident, the employee should report the incident to any other manager of their choice.

Complaints need not be in writing but should include as much detail as possible, including the name(s) of the individual(s) involved and a description of the incident(s), including actions and/or comments made, place(s), date(s) and time(s).

The possibility of informal resolution may be explored and reached with the consent of all parties. If no informal resolution is sufficient, a formal and thorough investigation of the incident and surrounding circumstances will be undertaken, involving interviews with the complainant, the respondent, and any other individuals who may be able to provide information on the situation.

Filing an internal complaint with ABC Company does not limit an employee's right to file a complaint in connection with the incident or matter to the [province] Human Rights Tribunal.

Threats, attempts or actual incidents of physical or sexual assault are all criminal offences and can be reported to your local police service.

## **13. NO RETALIATION**

Employees are reminded that ABC Company is committed to providing you a workplace free of discrimination in accordance with human rights and other laws and this Policy. Making you feel free to come forward and report incidents or concerns is an important part of our commitment. Accordingly, we wish to assure you that you won't be fired, demoted, reassigned, disciplined or subject to any other punishment or adverse treatment from ABC Company or its managers, supervisors and other representatives in retaliation for reporting discrimination or misconduct in good faith.

## **14. INVESTIGATION**

All reports of violations of this Policy will be taken seriously and responded to immediately. Where it is determined that the report has merit, an internal investigation will be made by staff members not implicated or in any way involved in the complaint following the fair investigation procedures and protocols set out in the ABC Company Disciplinary Policy.

## **15. DISCIPLINE**

Where acts of discrimination are shown to have occurred, they will not be tolerated

and will be responded to with appropriate disciplinary action, up to and including termination, based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate termination, even if the person committing the act has committed no prior offences.