Inappropriate Firing of Transgender Woman Reinforces Need to Educate Managers



A transgender employee claimed she was fired because her employer wouldn't accommodate her gender identity. Nonsense, said the employer; the employee was fired for insubordination and a bad attitude.

After hearing all the evidence, the Tribunal ruled that the firing was at least in part due to sex harassment citing the employer's refusal to let the employee use the women's restroom or change her shift so she wouldn't have to change clothes in the presence of male co-workers. The employee had behaved aggressively, the Tribunal acknowledged, but her actions were in response to provocation and harassment from co-workers [*Vanderputten v. Seydaco Packaging Corp.*, [2012] O.H.R.T.D. No. 1946, Oct. 18, 2012].

Note: Although Ontario has adopted new protections against discrimination on the basis of gender identity, the *Vanderputten* case is actually a traditional sexual harassment claim, rather than an allegation of transgender discrimination.

Prevent gender identity & sexual preference discrimination in your workplace

- Toby's Law: Ontario Bans Gender Identity Discrimination
- Model Policy on Sexual Preference & Transgender Discrimination