

Gender Identity & Sexual Preference Discrimination Policy



1. SCOPE

This Policy applies to everyone working for ABC Company, including directors, members and employees, whether part-time, full-time or casual, regardless of position including secretarial, support, professional and administrative staff, articling students, summer students and contract and temporary employees, as well as to volunteers and independent contractors.

2. DEFINITIONS

“Gender identity” refers to those characteristics that are linked to an individual’s intrinsic sense of self, based on attributes reflected in the person’s psychological, behavioural, emotional, and/or cognitive state. Gender identity may also refer to one’s intrinsic sense of being a man or woman. It is fundamentally different from, and not determinative of, sexual orientation.

“Spouses” refers to 2 persons cohabiting in a conjugal relationship, whether or not legally married to each other, and includes persons who are of the same or opposite sex.

“Transgender person” means individuals who are uncomfortable with, or who reject, in whole or in part, their birth assigned sex, including **“transsexual persons,”** whether or not they’ve undergone sex reassignment surgery.

“Transsexual person” denotes an individual who lives fully as a person of the sex opposite to that which the person was born.

“Transgender” is an umbrella term that is ascribed to individuals who live some aspect(s) of their lives as an individual of either sex and includes individuals who are born intersexed or who present themselves as a gender identity that is different from the sex they were assigned at birth.

“Two-Spirited person” means an individual who has received the gift of having the privilege to house both male and female spirits in their bodies.

3. STATEMENT OF PRINCIPLES

4. Discrimination in employment on the basis of sex, which includes gender identity, gender expression, sexual orientation, marital status, same-sex partnership status and/or family status is illegal under the *Ontario Human Rights Code (Code)*. [**Note:** Substitute the name of your jurisdiction's human rights statute if you're not in Ontario.]
5. ABC Company recognizes that the choice of a spouse and the manner in which one chooses to live with that individual, as well as the expression of one's intrinsic gender identity are fundamental human rights worthy of respect and non-discriminatory treatment.
6. ABC Company recognizes that gay, lesbian, bisexual individuals and Two-Spirited individuals often experience overt and subtle discrimination because of their sexual orientation. For some individuals, confidentiality of their sexual orientation will be essential, while other individuals will want to exercise his or her right to express it.
7. ABC Company recognizes that discrimination based on gender identity and/or gender expression is illegal and that when interacting with transgender individuals, it is appropriate to ask how the person prefers to be identified.
8. Individuals covered by this policy shall not be excluded from participation in ABC Company's social culture (such as firm sponsored events held to acknowledge meaningful occasions in the personal lives of individuals who work at ABC Company)
9. because of sexual orientation, gender identity, gender expression, marital status or any other ground protected by the *Code* and the *Rules*.
10. ABC Company shall not contract with providers of employment benefits who administer their plans in a discriminatory manner based on sexual orientation or gender identity or expression.

4. **CONFIDENTIALITY**

5. ABC Company respects each individual's choice to disclose or to keep confidential information about his or her sexual orientation.
6. ABC Company is aware that individuals may choose to keep confidential their gender identity and/or experience as a transgender person so as to avoid stigmatization, discrimination and harassment.
7. ABC Company understands that sensitivity in the administration of employment benefits and pension plans is necessary so as not to expressly or inadvertently reveal the sexual orientation or gender identity of an individual who may wish to keep this information private.
8. To enable an individual to register for, or to collect employment or pension benefits, ABC Company may be required to record information that directly or indirectly identifies an individual's sexual orientation or gender identity. Subject to reasonable limits, ABC Company will ensure the confidentiality of the information collected for these purposes. ABC Company will also request that, as much as may be practical, the benefits and pension plan provider will keep the information confidential.
9. Procedures to limit access to confidential information that may reveal an employee's sexual orientation, spouse or gender identity will be adopted.
10. Pension plan and employment records, including, but not limited to, requests for bereavement and parental leave, medical/dental insurance claims, next-of-kin declarations, beneficiary designations, inquiries about the extension of benefits/pensions to a spouse, as well as resumés, academic transcripts, and letters of reference, shall be kept confidential except where disclosure is required by law.
11. Personal information disclosed to ABC Company shall be stored in a manner so as to limit access to this information to those appointed under this Policy. This

may be achieved, for example, by keeping the information in a locked filing cabinet or in a computer system accessed by password.

5. PROCEDURES FOR IMPLEMENTATION

6. ABC Company has revised all its employment benefits and pension plans to ensure that they comply with the statement of principles and duty of confidentiality outlined in this Policy.
7. ABC Company shall appoint [insert title of position(s) responsible, hereinafter "the Appointed Person"] to review all employment benefits and pension plan policies on a periodic basis and shall ensure that all future policies adopted by ABC Company are consistent with this Policy.
8. The Appointed Person shall be available to answer, in confidence, any questions an employee or partner may have with regard to this Policy or ABC Company's employment benefits and pension plan.
9. Washroom and other Gender-Specific Facilities: ABC Company will accommodate the needs of transgender persons regarding the use of washrooms and gender-specific facilities as required by the Code.
10. ABC Company's Dress Code policy will respect the rights of transgender persons.

6. BAN ON DISCRIMINATION & HARASSMENT

7. ABC Company is committed to creating a work environment in which gay, lesbian, bisexual, Two-Spirited and transgender individuals who work at ABC Company are treated with respect and are included in all aspects of ABC Company's social culture.
8. Milestones in the personal lives of individuals who work at ABC Company that are celebrated by ABC Company shall not exclude those covered by this Policy because of their sexual orientation or gender identity or expression, including birthdays, birth of a child, weddings and wedding anniversaries, funerals and holiday parties.

7. RECOURSE

8. It is the responsibility of ABC Company to abide by all legislation that governs employment and pension benefits. Should an individual believe that benefits are being conferred or administered in a discriminatory manner, ABC Company encourages that individual to report it to [insert the title of the position responsible for handling complaints], who shall do what is necessary to address the situation. All complaints or inquiries made under this section will be confidential.
9. Further recourse may be available under other policies adopted by ABC Company including [list].
10. Nothing in this Policy precludes an individual from seeking assistance or filing complaints under other avenues of recourse. ABC Company undertakes to provide individuals with information on:
 - The services offered by the Discrimination and Harassment Counsel; and
 - The right to file a complaint with the Ontario Human Rights Commission under the Code.

8. EDUCATION AND TRAINING

As an extension of its commitment to a discrimination and harassment-free workplace, all current and future individuals who work at ABC Company will be informed of the Policy on equal benefits for gay, lesbian, bisexual, Two-Spirited and other protected individuals under this Policy.