

# Guidelines for Frontline Staff on Gender Identity

## ABOUT THE LAW

In May 2016, the Trudeau administration tabled Bill C-16 in the House of Commons which, if passed, will provide legal protections for transgender people in Canada. This would further strengthen recent amendments to the BC Human Rights Code (enacted July 2016), which added gender identity and expression as a protected group. The amended legislation supports existing case law, which allows a transgender person access to the washroom that aligns with their self-determined gender identity. As such, directing a transgender person to a separate washroom is not appropriate.

Discrimination can take many forms, and can be intentional or unintentional, overt or systemic/hidden. Some examples of discrimination against trans individuals can include, but are not limited to:

- *Refusing to hire or promote a trans employee;*
- *Refusing to work with a trans person;*
- *Offensive comments, jokes, name-calling, or sending offensive images;*
- *Repeated and continuous misgendering of someone without efforts to adjust pronoun usage; and*
- *Refusing to provide a necessary accommodation.*

## NAME + PRONOUNS

While it is tempting to wonder if someone is transgender based on their difference in appearance, voice, and/or behaviours, this is generally not a useful or meaningful practice. The degree to which it is apparent to you whether someone is transgender is highly variable. The better approach is to have a consistent and common practice of introducing yourself with your name and pronouns to everyone as a way to offer space for others to identify in the ways they need to without you having to make assumptions, “figure” it out, or know anything. Introducing staff name tags with pronouns further encourages this culture of openness and spaciousness. Furthermore, you can also delay the use of pronouns (by only using a person’s name) until the pronouns is confirmed by listening for its use in other conversations with those who know the person.

## WASHROOMS

The common tendency and practice is to assume someone’s gender identity and then direct them to the corresponding washroom that matches the assumed gender. However, the assumption of gender identity can be wrong (especially for someone in early transition or based on rigid or limited gender norms) or there may be other temporary or permanent needs (e.g., for additional privacy) that may not be visible to the person directing someone to the washroom. As a result, it is best practice to offer someone all three options of washrooms (e.g., women’s, men’s, and universal/single-user washroom) in order for them to self-select based on their needs and interests. If someone acts confused as to why you have offered all three options, tell them that this is your common practice not to assume gender identity or what type of facility someone needs but to offer options regardless of apparent gender.

## DATA MANAGEMENT

The current system only allows binary options for gender identity, including female and male. Where there are questions and/or concerns raised by trans and gender variant students, the following information will help to clarify and support current procedures. For binary trans students (i.e., those who identify as a man or woman), the institution supports them in selecting the current binary options (regardless of what appears on their government-issued identification with no need for other supporting information to clarify their felt gender different from what they were assigned at birth).

Future iterations of the system are anticipated to allow for options to indicate non-binary gender identities. In the interim, staff will support non-binary students in opting out of selecting one of the current options. If the student wants to reflect their non-binary identity in the system, this information will be recorded in the “Notes” section of the system. This is also where non-binary pronouns (e.g., they/them) can be recorded. Inquire with the student if there are any confidentiality considerations and document those in the notes section as well.

## SUMMARY

The following table summarizes key actions to take or to avoid when interacting with trans and gender variant students or employees.

DO	DON'T
<b>Do</b> ask everyone which pronouns they wish you to use, not just people who you think look transgender.	<b>Don't</b> assume you can tell if someone is transgender.
<b>Do</b> seek out more information, if you have questions.	<b>Don't</b> assume gender identity based on appearance or voice.
<b>Do</b> be careful and respectful about confidentiality and “outing.”	<b>Don't</b> make assumptions about a trans person's sexual orientation.
<b>Do</b> respect that trans people will use the washroom that matches their gender identity.	<b>Don't</b> tolerate anti-transgender remarks or humour.
<b>Do</b> apologize for misgendering someone. A brief but sincere apology is adequate.	<b>Don't</b> overly dwell on mistakes, as this may cause further embarrassment for the misgendered person.

## ADDITIONAL RESOURCES

GLAAD | <http://www.glaad.org/transgender/allies>

American Psychological Association | <http://www.apa.org/topics/lgbt/transgender.aspx>

BC Transgender Health Information Program | [www.transhealth.vch.ca](http://www.transhealth.vch.ca)