

Guidelines for Frontline Staff on Gender Identity

ABOUT THE LAW

In June 2017, the Canadian government passed Bill C-16 in the House of Commons which provides legal protections for transgender people in Canada. This further strengthens 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

Gender marker

The current system only allows **binary** options for gender marker: F and M. Binary trans students (i.e., those who identify as a man or woman) can select either of 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). Students have to talk to an Enrollment Services Professional to make this change.

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.

Preferred name

Students can enter a preferred name upon admission, or by talking to their Enrollment Services Professional. UBCcards and class lists indicate preferred name so that this name can be used in interactions with students. Staff can check the name log of the system for preferred name. Upcoming changes to the systems will allow for preferred names to be displayed more consistently.

SUMMARY

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