

RESPECT FOR HUMAN DIVERSITY

Gender Identity Guidelines for Employees

October 2015

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GUIDING PRINCIPLES

It is River East Transcona School Division's (RETSD) responsibility to ensure the physical and emotional safety of all employees. Gender identity is a protected ground under the *Manitoba Human Rights Code*. We want to make sure employees of all gender identities and expressions feel welcome in our workplace.

“It is unlawful under *The Human Rights Code* to discriminate against a person in employment, housing or the provision of services [including schools], on the basis of that person's actual or perceived gender identity, without reasonable cause. It is also unlawful to discriminate against someone based on their association with someone with a particular actual or perceived gender identity, without reasonable cause.”

Source: Manitoba Human Rights Commission website

PURPOSE

These guidelines support the RETSD Policies ACF - *Respect for Human Diversity* and AC – *Human Rights*, ensuring a learning environment that is free from discriminatory practices based on gender identity and gender expression.

These guidelines apply to:

- all employees, students, parents/guardians, trustees, volunteers, and third parties such as in-school child care program employees
- situations that occur outside work hours but have an impact on the environment of the workplace

Guidelines have been designed to raise awareness and help protect against discrimination and harassment and to encourage embracing and learning from diversity and difference. This document is intended to support the transgender and gender diverse staff in RETSD. It is important that we recognize that all members of our division are entitled to particular supports and protections. This includes employees who are transitioning, identify as androgynous, gender creative, gender independent, gender fluid, gender variant, gender non-conforming, two-spirit, queer, transgender, transsexual or trans*.

ROLES AND RESPONSIBILITIES

The division—under the leadership of the superintendent, will implement board policy and establish administrative procedures and/or regulations on human diversity practices within RETSD. The division will also provide training and professional learning for teachers and other staff in areas of bullying prevention and human diversity. The division sets the standards for conduct and develops procedures and protocols for addressing unacceptable conduct or discrimination. The division will also determine what reporting and data collection will be undertaken.

Principals/managers/directors/supervisors—play a leadership role in promoting safety and acceptance and in ensuring a safe and inclusive work environment. Principals/managers/directors/supervisors communicate and reinforce expectations of the respecting human diversity policy to their employees and encourage their participation in professional learning and training on bullying prevention, human diversity and related topics. Principals/managers/directors/supervisors hold those who disrespect human diversity accountable by following established processes and protocols and maintaining appropriate records.

Employees—model inclusiveness and respect for human diversity and play a key role in communicating and reinforcing expectations of the respecting human diversity policy. They support their co-workers on issues of human diversity and empower them to treat each other with dignity and acceptance. Employees also have a duty to report matters of cyberbullying to their principal/manager/director/supervisor, whether it is believed to be happening at work or outside of work. Participation in professional development and training is essential in ensuring employees have the tools and knowledge they need to deal appropriately and effectively with sensitive issues regarding bullying prevention and human diversity.

Students—have responsibility to monitor their own interactions and conduct in ways that are respectful and ensure a safe and inclusive school environment, particularly toward those previously identified as being at higher risk for bullying or discrimination.

Parents and guardians—play an important role in their children’s understanding and respect for human diversity. Parents have a responsibility to encourage their children to conduct themselves in ways that contribute to a safe and inclusive school environment. Parents also have a personal responsibility to conduct themselves in a way that respects the human diversity policy.

School community members and groups—are diverse and the contributions they make to schools are valued and encouraged; they have a personal responsibility to conduct themselves in a way that respects the human diversity policy.

PRIVACY/CONFIDENTIALITY

All people within RETSD have a right to privacy regarding their personal information. Someone’s gender identity or gender expression is to be considered private and confidential information and safeguarded appropriately. Staff is not permitted to disclose an employee’s gender identity or gender expression status to others unless the employee has given permission or there is a specific situation in which the information must be disclosed.

At times, it may be appropriate for staff to be aware of an employee’s transgender status. Where possible, the employee is to be allowed to control who is aware of their status. An employee’s right to confidentiality is to be strictly maintained at all times.

Staff will disclose an employee’s gender identity on a “need to know” basis (e.g., to fulfill a specific accommodation request).

Employees are encouraged to discuss when, with whom, and how much of their private information to share with others. Staff will offer the employee an opportunity to review and/or request deletion of any information relating to gender identity or expression contained in their official records.

Employees are encouraged to participate in the education of their coworkers at whatever level they are comfortable, however it is not the transgender person’s responsibility to educate others.

SELF-IDENTIFICATION

A person’s self-identification is the sole measure of their gender. It is not appropriate to question or challenge another person’s gender identity or expression.

NAMES/PRONOUNS

Employees have a right to be addressed by a name and pronoun that corresponds to their gender identity or expression. A legal name or gender change is not required, and the employee does not need to change their official records.

The intentional or persistent refusal to respect an employee’s gender identity or expression may be considered a form of harassment. This does not apply to inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use an employee’s preferred name and pronoun.

In the event of formal employee discipline, where written documentation is required, the employee will be referred to by their legal name.

Employee Records

The division and/or schools will maintain an employee record under the individual's legal name (as reflected on identification documents verified at the start of employment). The division and/or schools will not use the employee's legal name, sex or gender in other school records unless legal name is required (e.g. insurance documents).

The division and/or schools will use employee's preferred name and gender wherever possible (e.g. e-mail, teacher website, phone directory, company identification card or access badge, name plate, class lists, etc.)

The division and/or schools will change an employee's official record to reflect a change in legal name upon receipt of legal documentation that such legal name has been changed.

WASHROOM ACCESS

Employees have the right to access the washroom that corresponds to their gender identity or expression at school/work locations and during field trips.

Employees who request increased privacy will be offered accommodations that meet their needs. For example, access to an all-gender, single stall washroom will be provided, where possible, but no employee will be required to use such a washroom.

Access to single-stall facilities is to be an easy process where the individual does not have to draw attention or request a key every time access is needed.

PROFESSIONAL LEARNING

Under RETSD policy and provincial legislation, school division leaders must ensure staff is provided with professional development that increases their capacity to support others on issues regarding all aspects of human diversity, including gender identity.

All RETSD employees are required to complete training in the area of promoting respect for human diversity.

REQUESTS FOR ACCOMMODATION

It is recognized that specific accommodation requests will be assessed on an individualized basis and accommodations will be offered to meet the needs of the employee who is making the request.

An employee's needs may change over time and may be different throughout various contexts (e.g., home, workplace, peers and community). Accommodations must be flexible and unique to each employee and decision making must include the employee. An accommodation that works for one employee cannot simply be assumed to work for another.

Any staff approached with a request for accommodation should respond with sensitivity and compassion in a prompt and supportive manner. The principal or manager of the work location must be notified.

Requests for accommodation of specific needs should be made to the employee's immediate supervisor and the Human Resources Office. Employees are encouraged to be as proactive as possible in identifying any needs that may require accommodation.

An accommodation request may come in the form of a verbal request, a written request or by e-mail communication.

- Employees are encouraged to put the request in writing.
- Staff will comply with the employee's need for confidentiality.

RESOLVING CONFLICT

Issues are to be promptly acted upon by the principal or manager of the work location. Employees must clearly see that there are swift consequences for transphobic or prejudicial behaviour or attitudes.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender identity status must be handled in accordance with RETSD policies and Code of Conduct, and will reference, as necessary, The Canadian Charter of Rights and Freedoms and the Manitoba Human Rights Code. The divisional policies include but are not limited to the following:

- Policy AC - *Human Rights*
- Policy ACF - *Respect for Human Diversity*
- Policy GBA - *Reasonable Accommodation*
- Policy GBA-R - *Reasonable Accommodation Procedure*
- Policy GBAA - *Respectful Schools and Workplaces *Harassment*
- Regulation GBAA-R - *Respectful Schools and Workplaces Regulation *Harassment*
- Policy JICDAA - *Safe, Caring, and Respectful Schools*
- Policy JICDAB - *Freedom from Bullying*
- Policy KE – *Concerns and Complaints*
- Policy KE-R – *Concerns and Complaints Procedures*

DEFINITIONS:

Ally: A person, regardless of their sexual orientation, who supports the human, civil, and sexual rights of sexual minorities.

Androgynous: Having female and male characteristics in one.

Biological Sex: Generally refers to the sex assigned at birth based on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics such as breasts, facial and body hair, and fat distribution.

Cisgender: Having a gender-identity that is congruent with one’s biological sex. The opposite of transgender.

Cross-Dresser: A person who, for various reasons, wears gender atypical clothing. They may or may not self-identify as a cross dresser. “Cross-dresser” is a word that tends to refer to men with sometimes strong preferences for clothing often worn by women.

Discrimination: Treating a person or group differently, to their disadvantage and without reasonable cause, on the basis of a protected characteristic, such as ancestry, age or disability. Failure to reasonably accommodate a special need that is based on a protected characteristic, such as disability or religion, is also discriminatory. Harassment based on a protected characteristic, such as sexual orientation, and sexual harassment is prohibited as well. *The Code* prohibits unreasonable discrimination in all aspects of employment, in housing, in the provision of services or contracts, and in signs and notices. In determining whether discrimination has taken place, it is the effect and not the intention that is important. In addition, the Manitoba Human Rights Commission accepts complaints alleging discrimination against people because they belong to other disadvantaged groups not mentioned in the Code. For example, the Commission accepts complaints alleging discrimination on the basis of criminal record or because of disadvantaged social condition.

Gender: May be defined in various ways and could include any or all of the following categories: secondary sex characteristics that develop at and after puberty, behaviour and conduct, the mind, and fashion choices. Gender is usually understood to be performative and learned.

Gender creative: See gender non-conforming.

Gender diverse: Refers to individuals who do not follow other people’s ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth (also called **gender variant, gender independent, gender non-conforming** or **gender creative**).

Gender expression: How a person signals a gender identity to other people. Gender expression can include clothing choices, what colours someone wears, hair length, jewellery, what scents (if any) a person uses, how a person occupies space, how a person walks among other means.

Gender fluid: A gender identity that is not fixed and changes over time.

Gender identity: Refers to a person’s internal sense or feeling of being male or female, both, neither, or somewhere in between.

Gender independent: See gender non-conforming.

Gender incongruence / gender dysphoria: terms commonly used by medical professionals.

Gender queer: Used to describe individuals who perceive their gender to be neither that of a male or female but outside of the gender binary.

Gender variant: See gender non-conforming.

GSA: May stand for Gay-Straight Alliance or Gender Sexuality Alliance.

Hir: A pronoun to describe a gender other than male or female; or both male and female.

Human Diversity: Encompasses all the ways in which human beings are both similar and different. May include, but is not limited to, gender identity, sexual orientation, age, ethnic origin, ancestry, culture, socio-economic status, religion, family status, mental and physical disability.

Intersex. Persons who are intersex are born with both male and female sex attributes. Some persons who are intersex take steps, or seek to take steps, to align their physical appearance with their felt sense of being male or female, including changes to their physical appearance and dress, and medical treatment. The term Hermaphrodite is now considered derogatory in common use.

LGBTQ: Stands for Lesbian, Gay, Bisexual, Transgender, Two-spirit, Queer and Questioning.

Sex: The legal and medical categories of male, female and intersex. Usually relates to a person’s primary sex characteristics (genitals).

Sexual Orientation: Term used to describe an individual’s sexual, psychological and emotional feelings of attraction towards another person.

Trans*: Often used as an umbrella term to refer to anyone who is transgender, transsexual, androgynous, gender creative, gender independent, gender fluid, gender variant, gender non-conforming, or gender queer.

Transgender: Refers to a person whose gender identity, outward appearance, expression and/or anatomy does not fit into conventional expectations of male or female. Often used as an umbrella term to represent a wide range of non-conforming gender identities and behaviours. Some might identify as transgender their whole life, or just until they feel comfortable in their own body. The term ‘tranny’ is considered derogatory.

Transition: The process (which for some people may also be referred to as the “gender reassignment”) whereby people change their appearance, bodies and identity documents to match their internal (gender) identity, while living their lives full-time in the gender role they know themselves to be. Transition may or may not include medical treatment such as hormonal therapy or surgery.

Transsexual: Persons who are transsexual have a gender identity that differs from their biological sex and take steps, or seek to take steps, to align their physical appearance with their felt sense of being male or female. Steps might include changes to their physical appearance and dress, and/or medical treatment such as hormonal therapy and surgery.

Two Spirit: Some Aboriginal people identify themselves as two-spirit rather than as bisexual, gay, lesbian, bisexual, transgender or transsexual. Historically, in many Aboriginal cultures, two-spirit persons were respected leaders and medicine people. Before colonization, two-spirit persons were often accorded special status based upon their unique abilities to understand both male and female perspectives.

Zhe / Ze / Zer / Zir / They / Them: A pronoun to describe a gender other than male or female; or both male and female.

Sources of the Definitions:

- Halton District School Board. HDSB Guidelines for the Accommodation of Transgender and Gender Creative Students.
- Manitoba Safe and Caring Schools Respect for Human Diversity Policies 2015.
http://www.edu.gov.mb.ca/k12/docs/support/human_diversity/index.html
- Public Health Agency of Canada. (2010) Questions & Answers: Gender Identity in Schools.
- The Houghton Mifflin Canadian Dictionary of the English Language. William Morris, Editor. ©1982.
- The Manitoba Human Rights Commission website
- Guidelines for Supporting Transgender and Gender-nonconforming Students. Province of Nova Scotia. Department of Education and Early Childhood Development.
https://studentservices.ednet.ns.ca/sites/default/files/Guidelines%20for%20Supporting%20Transgender%20Students_0.pdf