

How to Support Transgender Employees

Featuring the Alberta Human Rights Commission
and the City of Red Deer

Webinar | October 11, 2017

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Speaker

Sushila Samy

Diversity Specialist



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How to Support Transgender Employees

Human Rights in Employment
Webinar

Sushila Samy, CPHR

11 October 2017

Alberta Human Rights Act

- Is administered by the Alberta Human Rights Commission
- Is **primacy** legislation - takes precedence over other provincial laws
- Speaks to the rights and responsibilities of those in Alberta under provincial jurisdiction

Protected Grounds

- Race
- Religious beliefs
- Colour
- Gender
- **Gender identity**
- **Gender expression**
- Physical disability
- Mental disability
- Marital status
- Age
- Ancestry
- Place of origin
- Family status
- Source of income
- Sexual orientation

Protected Areas

- Publications, notices, signs, symbols and other representation
- Services/Accommodation
- Tenancy
- **Employment practices**
- **Employment applications and employment advertisements**
- Membership in trade unions, employers' organizations and occupational associations

Prohibitions

- Retaliation against anyone who has made a complaint, given evidence or assisted any one else in making a complaint, is a contravention of human rights legislation
- Making a complaint with malicious intent that is frivolous and vexatious is also against human rights legislation

Gender Identity

Gender identity refers to a person's internal, individual experience of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both, or neither

Gender identity is not the same as sexual orientation, which is also protected under the *Alberta Human Rights Act*

Gender Expression

Gender expression refers to the varied ways in which a person expresses their gender, which can include a combination of dress, grooming, demeanour, social behaviour and other factors

Transgender

Transgender (trans) is an umbrella term for people whose gender identity or gender expression is different from those typically associated with the biological sex assigned to them at birth

Cisgender

- Relates to someone whose sense of personal identity and gender corresponds with their birth sex

Discrimination

- A rule or action adversely or disproportionately impacts an individual based on a protected area and grounds in the *Act*
- Intent to discriminate not required

Examples of Discrimination in the Workplace - 1

- Making negative gender-related comments about someone's physical characteristics or mannerisms
- Treating someone badly because they don't conform with our perception of gender-roles

Examples of Discrimination in the Workplace - 2

- Not accommodating an employee for gender confirmation surgery
- Refusing to use names or pronouns of a person's choosing
- Not changing employment related documents to reflect changes (name, gender, sex etc.)

Employer Obligations

- Maintaining a safe, healthy workplace free of harassment
- Liable for harassment in the workplace if they knew or should have known of the harassment
- Ensuring that employees are accommodated to the point of undue hardship

Harassment

- Is unwelcome/uninvited conduct
- Includes verbal or physical contact, attention, demands, jokes or insults
- Interferes with work performance
- Creates an intimidating or hostile work environment

Adapted from Aggarwal, Sexual Harassment: A Guide for Understanding and prevention.

- **Duty to accommodate** refers to an employer's obligation to take appropriate steps to eliminate discrimination against employees and potential employees.
- Accommodation is a way to balance the diverse needs of individuals and groups in our society. It may require a degree of inconvenience, disruption and expense and should be “to the point of undue hardship.”

Best Practices

- Create policies that encourage inclusion
- Lead by example to demonstrate and role model respect for all employees
- Protect privacy and confidentiality
- Know your legal obligations
- Educate management and staff
- Be aware of what is happening in the workplace
- Provide safe access to washroom and change-room facilities

Best Practices

- Collect only personal information that is needed
- Use a person's preferred name and gender in all documents
- Ensure dress code policies are inclusive and not based on gender stereotypes
- Accommodating an employee's gender identity should not require medical evidence or documentation
- Medical documentation may be required only when the employee's gender transition requires time off work

Confidential Inquiry Line

If you have a specific situation or want to make a human rights complaint, please phone the Commission's confidential inquiry line at:

- 780-427-7661 Northern Regional Office
- 403-297-6571 Southern Regional Office

To call toll free within Alberta, dial 310-0000 then enter the area code and phone number

More Information

- Information sheets
- Video scenarios
- Webcasts on:
 - The *Alberta Human Rights Act*
 - Duty to Accommodate Series
 - Harassment Prevention Series and
 - The Complaint process

Can be found at:

www.albertahumanrights.ab.ca

Labels

Code Blue (Identified Male):

- Try to hide emotion.
- Expected to provide.
- Dirty jobs.
- Feminine = bad!
 - Don't throw like a girl.
 - Don't dress like a girl.
 - Don't drink girly drinks.
 - Don't cross legs in that one particular way that perpetuates feminine stereotypes.
 - Don't like "girl" toys as a child.



Transitioning Plan (Simplified)

1. Transitioning employee informs the workplace of the desire to transition.
2. A date is decided for the employee to publicly present as their gender. Some time from work may be required for surgery or for other employees to adapt to the idea.
3. During the time off the employer has meetings with other employees informing them of the transition, changes in name, pronouns, etc.
4. Employer makes changes to software systems, contact information related to the transitioning employee.
5. The transitioning employee returns as their appropriate gender.

Do's and Don'ts

1. Don't – Genital Talk – Fun but not always appropriate.
2. Don't – Deadnaming.
3. Don't – Misgender.
4. Don't – Outing people is bad, unless required during transition for the good of the employee; privacy is better.
5. Do – Involve transitioning employee in discussion and events in and outside of work.
6. Do – Be aware of subconscious decisions and their effect on all employees.
7. Do – Be aware of changing perceptions and their effect on all employees.

Different Paths

Not all transitions are created equal

- Genderqueer –
 - Hair, wardrobe, mannerisms, gender expression changes. Possibly more!
- Possibly surgeries
- Financial means may limit transition timeline or transition goals.
- Family/Workplace Support
 - Fear causes delays.
 - Lack of support weakens resolve.

Summary

- 35% - 50% of transgender individuals have suicidal thoughts.
- 1 in 9 trans people attempt suicide

Improving Quality of Life for Employees

- Implementing documentation changes for name and gender.
- Lower levels of misgendering, deadnaming, microaggressions and trans related hate.
- Ability to transition to a desired state, via presentation of gender. (clothing, surgery, hormones, etc).
- Minimizing isolation and social marginalization.

Speaker

Kristy Svoboda

Director of Human Resources



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Supporting Transgender Employees

October 11, 2017

Kristy Svoboda

Director of Human Resources

Today's Presentation Includes

1. How Human Resources Supported the Employee
2. Impact on the Organization
3. Handbook for Supporting Transitioning Employees



How Human Resources Supported the Employee

- Collaborative approach between Human Resources and the employee's department
- Most important was to respect the employee's wishes

Impact and Benefit to The City

- Demonstrated City's commitment to supporting all employees as diversity and inclusion are priorities
- Learning experience for everyone involved
- Employee is one of our diversity champions and has shared their experience with the community and beyond
 - 2016 Fostering Diverse Communities Conference "The Transgender Experience"
 - City's Diversity Team
 - Alberta Human Rights Commission Forum on Gender Identity and Expression in Service and Employment

Impact and Benefit to The City

- Employee is a resource for internal discussions on how best to be inclusive towards transgender people
 - Discussions on language used in Census and other forms re binary Male/Female
 - Gender-neutral washroom signage

Handbook for Supporting Transitioning Employees

- Based on shared document from employee's acquaintance
- Developed by Diversity and Inclusion Specialist with support from employee
- Provides steps to consider in supporting employees
- Defines appropriate coworker conduct
- List of resources including letter template and glossary of terms

Development of Handbook for Supporting Transitioning Employees

- Privacy and confidentiality
 - Job-related planning
 - Day to day considerations
 - Records considerations
-
- Available for others to refer to and adapt for own use. Contact Diversity and Inclusion Specialist
 - Tymmarah.Sheculski@reddeer.ca / 403-406-8649

Questions?

Kristy Svoboda, Director of Human Resources

Email: kristy.svoboda@reddeer.ca

Phone: 403-342-8148



Questions and Answers

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Tools & resources

- WIC Toolkit
- Measuring Inclusion Tool
- Planning Together
- Engaging Ethno Cultural Communities
- How to Create a Terms of Reference
- Campaign Kit
- Glossary of Terms
- wic.auma.ca



More information

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