Manager's Guide to Supporting Two-Spirit, Transgender, Non-Binary and Gender-Diverse Employees in the Federal Public Service

Public Service Pride Network

September 2024

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A – Glossary of Acronyms

Acronym	Explanation
PSPN	Public Service Pride Network
2SLGBTQI+	The acronym used by the Government of Canada to refer to the Canadian community. 2S: at the front, recognizes Two-Spirit people as the first 2SLGBTQI+ communities; L: Lesbian; G: Gay; B: Bisexual; T: Transgender; Q: Queer; I: Intersex, considers sex characteristics beyond sexual orientation, gender identity and gender expression; +: is inclusive of people who identify as part of sexual and gender diverse communities, who use additional terminologies
2SLGBTQIA+	The acronym used by the PSPN, with the addition of A, to represent the Asexual community
EEDI	Employment Equity, Diversity and Inclusion
GIEAC	The PSPN's Gender Identity and Expression Action Committee

B – Executive Summary

1 – Guidance for Managers and Senior Leaders

The [Values and Ethics Code for the Public Sector,](#) including the Respect for People value, serves as a guiding principle for federal public servants. It encourages leaders to foster a respectful, dignified and inclusive work environment. When workplaces prioritize safety, promote civility, and embed inclusion, employee engagement, openness and innovation thrive.

Encountering Two-Spirit, transgender, non-binary or gender-diverse employees may present new challenges or questions for managers and senior leaders. The Public Service Pride Network (PSPN) offers this guide to support and advocate for these employees. It aims to enhance your understanding of their lived experiences and needs through awareness building and information sharing. This empowerment will enable you to effectively provide inclusive support as leaders.

2 – Key Areas Covered

- Understanding Basic Concepts: awareness of various human identity elements and associated terms such as *gender identity*, *gender expression* and what it means to *transition*.
- Employment Realities: insight into the unique challenges faced by gender-diverse employees.
- Legislative and Policy Frameworks: insight into relevant laws and policies governing the federal public service as it relates to equity, diversity and inclusion.
- Preventing Discrimination: tools and practices on how to identify and combat discrimination, harassment and transphobia within the workplace.
- Practical Support Measures: direct actions managers and leaders can take to support their gender-diverse employees.

3 – Why This Matters

Two-Spirit, transgender, non-binary and gender-diverse federal public servants experience higher levels of workplace stress and are more likely to encounter discrimination and harassment. [The 2022-23 Public Service Employee Survey,](#) pictured below, highlights this pressing issue. Understanding their experiences and needs is critical for effectively combating and preventing discrimination, harassment, transphobia and bullying.

Public Service Employee Survey Results 2022-23

% of respondents

Category	Overall Public Service	Gender Non-confirming Respondents Only
WORKPLACE STRESS DUE TO ACCESSING TOOLS	9	15
WORKPLACE STRESS DUE TO PHYSICAL ENVIRONMENT	11	17
WORKPLACE STRESS: GENERAL	19	28
EXPERIENCED DISCRIMINATION IN THE LAST 12 MONTHS	8	24
EXPERIENCES HARASSMENT IN THE LAST 12 MONTHS	11	23

4 – Rising Challenges

With increasing anti-gender rhetoric and transphobic hate crimes, Two-Spirit, transgender, non-binary and gender-diverse employees experience heightened stress, especially when their intersecting identities are targeted. This stress often exists and extends outside of the workplace, as well. As managers, it is both a legal and ethical obligation to establish a safe, inclusive and welcoming workplace environment. This commitment is rooted in legislation such as the _Canadian Human Rights Act_ and the _Criminal Code of Canada_, reinforced since 2017.

5 – How You Can Support

- Use correct names and pronouns.
- Protect personal information, including previous names.
- Facilitate chosen name and gender marker changes in Human Resources, IT, and Security systems.
- Support inclusive washing and toilet facility policies.
- Lead by example and promote wellness and inclusion.
- Educate yourself and your team about gender identity and expression.

By reading this Manager's Guide and sharing the employee-focused Guide for Two-Spirit, Transgender, Non-Binary, and Gender-Diverse Employees in the Federal Public Service, you are already taking significant steps towards enhancing workplace wellbeing rooted in 2SLGBTQIA+ understanding and support.

To provide feedback, please email PSPN-RFFP@csps-efpc.gc.ca.

"Nobody should have to live in fear because of who they are. Transgender rights are human rights. Transgender people have the same right to respect and dignity as everyone else in Canada."

— Marie-Claude Landry, Ad. E., Chief Commissioner of the Canadian Human Rights Commission

C – Foreword from the Public Service Pride Network Champion

The Public Service Pride Network is proud to introduce the **Manager's Guide to Supporting Two-Spirit, Transgender, Non-Binary, and Gender-Diverse Employees in the Federal Public Service**. This guide is a result the exceptional work of the PSPN's Policy and Outreach Action Committee and the Gender Identity and Expression (GEI) Action Committee.

This much-anticipated resource builds upon the [Guide created for Two-Spirit, transgender, non-Binary, and gender-diverse employees](#) in fall 2023 and aligns seamlessly with our [Open Letter](#) to Deputy Ministers in May 2023 and [the follow-up response](#) in May 2024. These initiatives advocate proactive measures to uphold the rights and well-being of diverse 2SLGBTQIA+ federal public servants.

Recognizing intersectionality's vital role—the interplay of various identities and how these identities interact with systems of power—and how progress for one marginalized group benefits others, our efforts go beyond addressing individual identities. They embrace the interconnectedness of progress for all marginalized communities. Creating a diverse and inclusive workplace benefits us all.

This guide equips managers, supervisors and team leaders with essential information, guidance and resources to effectively support Two-Spirit, transgender, non-binary and gender-diverse employees.

Your role as a senior leader within the federal public service is critical. Your inclusive leadership can ignite a sense of safety for new employees, empower mid-career employees to pursue advancement and affirm the equitable and inclusive service of those at the end of their careers.

Readers are encouraged to approach this guide with an open mind and a willingness to adapt to changes in EEDI language. We recognize that terminology evolves to reflect the diverse and nuanced experiences of different groups, including Two-Spirit, transgender, non-binary and gender-diverse individuals. Embracing this evolution is about respecting the humanity and dignity of each individual. It is important to prioritize respectful communication and to genuinely listen to feedback from Two-Spirit, transgender, non-binary and gender-diverse employees regarding language preferences and inclusivity.

We extend our heartfelt thanks to everyone who contributed to the creation of this guide, including the Employment and Social Development Employee Pride Network and the Canada Revenue Agency Pride Network. Your contributions were indispensable.

Jason Bett
Public Service Pride Champion

D – Understanding Human Identity: Sex Assigned at Birth, Gender Identity and Expression, Sexual Orientation and more!

Our understanding of sex, gender and sexual orientation continues to evolve, as does the language we use to describe these concepts.

This guide offers an introduction to the diverse identities and experiences within the 2SLGBTQIA+ community. The terms and definitions provided here are not exhaustive and are intended as a starting point. For more detailed information, please refer to the extensive glossary (Appendix A).

Every effort will be made to keep the Guide evergreen and reflective of the most-up-to-date terms and concepts.

1 – Overview of Concepts and Terminology

There are a variety of definitions that are essential to understanding the diversity of human identity.

Sex Assigned at Birth: This is someone's birth sex, or the sex of a person acknowledged at the time of their birth. It is based on medical standards typically categorized as male, female, or intersex, and usually determined by external genitalia.

Gender Identity: This is an individual's internal sense of self, which is intrinsic and self-defined. It reflects a person's understanding of who they are and is often expressed through personal pronouns. Common gender identities include but are not limited to: Two-Spirit, non-binary, gender diverse, gender queer, agender, man and woman. Sometimes gender identity is referred to as just "gender".

Gender Expression: This is how an individual expresses their gender identity through behaviour, appearance, clothing and other cultural cues. It includes a range of expressions, from traditionally masculine or feminine to androgynous or gender-nonconforming presentations.

Sexual and Romantic Orientation: This is the physical or romantic attraction (or lack thereof) to people based on their sex, gender identity and/or gender expression. Sexual orientation is not a choice but a fundamental part of a person's identity. It may change over time.

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A Note for Readers

A person's gender expression is not an indication of their gender identity. For example, a person who identifies as a man can wear any clothing he chooses and still identify as a man. Always avoid assuming someone's gender based on their appearance.

People may also confuse or conflate the terms **gender identity** and **sexual orientation**, but they should not as they refer to two very different things. A person's gender is an internal, deeply held sense of who they are. Sexual orientation is a person's sexual and/or romantic attractions (or lack thereof) toward other people.

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2 – Gender Categories

Gender identities can be grouped into several overarching categories:

<u>Cisgender</u>: Referring to a person whose gender identity aligns with their sex assigned at birth.

<u>Transgender (or Trans)</u>: Referring to a person whose gender identity does not align with their sex assigned at birth. This is an umbrella term that is constantly evolving. Presently, many are understanding the word to describe any gender-diverse individual whose identity does not align with their sex assigned at birth.

<u>Non-Binary</u>: Referring to a person who does not identify strictly as man or a woman. They may identify as both, neither or fluctuate between genders. Some non-binary individuals also identify as transgender.

<u>Gender-Diverse</u>: Encompasses individuals whose gender identities, expressions, or experiences differ from traditional binary norms. This includes:
- Transgender (an umbrella term).
- Non-binary (an umbrella term that is also sometimes used to describe a unique and distinct identity).
- Agender (individuals who do not identify with any gender).
- Bi-gender (those who identify with two genders, either simultaneously or switching between them).
- Gender-fluid (people whose gender identity shifts).
- Gender Nonconforming (individuals whose gender expression does not fit societal expectations for the sex they were assigned at birth).
- Two-Spirit (described below).

Two-Spirit: Indigenous cultures have had specific language and terminology for gender identity, expression, and sexual orientation since time immemorial. Two-Spirit was agreed upon at the 3rd annual inter-tribal Native American/First Nations gay and lesbian gathering in Winnipeg (Manitoba) in 1990 as an umbrella term to distinguish between Indigenous and non-Indigenous experiences in Canada. Two-Spirit is a pan-Indigenous identity that includes the interrelatedness of all aspects of identity, including sexuality, gender, culture, community, and spirituality. It is important to note that not all Indigenous gender-diverse people identify as Two-Spirit; individuals may identify as Indigiqueer, non-binary and/or any other identity.

These categories illustrate the complexity and diversity of gender identities. Language and definitions evolve and can vary widely across different cultures and communities.

While terms like "transgender" and "gender diverse" can broadly refer to gender diversity, they also represent unique gender identities that may, or may not, be further subcategorized.

Did You Know?

The Government of Canada emphasizes the importance of respect, understanding and inclusion for sexually- and gender-diverse individuals in the workplace and broader society. This involves recognizing diverse pronouns, names and honorifics, and ensuring that systems and policies are updated to reflect and support these identities.

For more detailed definitions and guidelines, you can refer to resources such as the Public Legal Education Association of Canada and the Government of Canada's Guide on Equity, Diversity, and Inclusion Terminology.

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3 – Important Milestones for Two-Spirit, Transgender, Non-Binary and Gender-Diverse Individuals

Coming Out: The ongoing process of revealing one's 2SLGBTQIA+ identity to others. This can happen in stages and in different areas of life. Always ask for permission before disclosing someone's gender identity or sexual orientation.

Transition: The process of making changes to reflect one's gender identity and/or expression. Transition may be from one binary gender identity to another (man to woman/woman to man), or might look more like achieving specific gender goals outside of the binary. It may involve a single step, or many steps over a long period of time. It is not necessary for someone to transition in any way to identify as transgender, non-binary, or gender fluid. When someone does transition, it may include one or more of the following:

- **Social Transition**: This may include changing one's name, clothing or style, make-up, hairstyles and more. Changing one's name or pronouns can be a significant step in this process.

- **Legal Transition:** This may include a legal name change and/or legal change in gender marker, which can be expensive and difficult. Not changing these legally does not diminish the importance of a chosen name and gender marker(s).

- **Medical Transition:** This may include one or more medical interventions to alter a person's body, including but not limited to Hormone Replacement Therapy and gender-affirming surgeries. This is a personal process and should only be discussed, by a manager, to understand the necessary leave and support required stemming from a medical transition.

A Note for Readers

First coined in 1989 by scholar and activist Dr. Kimberlé Williams Crenshaw, **intersectionality** refers to the interconnected and overlapping nature of identities (such as sexual orientation, gender identity and expression, race, ethnicity, religion, disability, and socioeconomic status) and how our identities interact with and are impacted by systems of power.

For more information about intersectionality and how the federal public service embeds it into decision-making processes, training is offered by the Canada School of Public Service.

You can also check out this lecture from Dr. Crenshaw to find out more about intersectionality.

Transphobia: The disdain fear, or hatred of transgender people or those perceived as transgender, leading to discrimination or hostility. Examples of transphobia can be found in Section H.

For more detailed information on the terms mentioned here, or additional terms related to gender and sexual diversity, please refer to resources such as the Women and Gender Equality's 2SLGBTQI+ Secretariat, the Translation Bureau's Gender and Sexual Diversity Glossary, or Egale Canada's resource page.

E – Understanding the Employment Experiences of Two-Spirit, Transgender, Non-Binary and Gender-Diverse Individuals

This section explores the impact of discrimination, transphobia and harassment on Two-Spirit, transgender, non-binary and gender-diverse individuals, both within and outside of the federal public service, to highlight the importance of inclusive practices and support for these colleagues.

1 – Importance of Inclusivity

Creating inclusive environments where all employees feel respected, valued and safe is crucial, especially for marginalized groups facing systemic barriers like discrimination, bias, stereotypes, and unequal representation. Addressing these issues promotes equity, inclusion and a supportive workplace where everyone experiences a sense of belonging.

Historical data on the prevalence of discrimination and harassment on the grounds of sexual orientation, gender identity and expression is limited in Canada.

A Note for Readers

The Canadian Human Rights Commission defines discrimination as "an action or a decision that treats a person or a group badly for reasons such as their race, age or disability. These reasons, also called grounds, are protected under the *Canadian Human Rights Act*.

The Canadian Human Rights Commission defines harassment as "a form of discrimination [which] includes any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment".

Initiatives like the Trans Pulse Project, Statistics Canada and the Public Service Employee Survey (PSES) have started to gather and report data on Two-Spirit, transgender, non-binary and gender-diverse individuals, broadly speaking. These findings underscore the critical need for inclusive workplace practices, particularly for transgender employees.

2 – Statistics on Discrimination and Harassment Against Two-Spirit, Transgender, Non-Binary and Gender-Diverse Individuals

The following passages may be difficult for some readers.

[Click here to leave quickly](#)

Canadian Statistics on Discrimination and Harassment

- Two-Spirit and transgender individuals are most likely to have experienced workplace harassment based on gender identity in the last five years (2SLGBTQI+ Action Plan Survey).
- Transgender individuals were also most likely to say that they were denied employment due to their gender identity (2SLGBTQI+ Action Plan Survey).
- 70% of transgender individuals in Canada report experiencing inappropriate behaviours at work, compared to 22% of cisgender individuals (2SLGBTQI+ Action Plan Survey).
- 20% of transgender individuals in Ontario report having been physically or sexually assaulted for being transgender (TransPULSE).
- 34% of transgender individuals in Ontario report having been verbally threatened or harassed (TransPULSE).
- One in ten transgender individuals in Ontario who had accessed an emergency room presenting in their felt gender report having been refused care or had care terminated prematurely because they were transgender (TransPULSE).
- 18% of transgender individuals in Ontario were turned down for a job because they were transgender; another 32% suspected this was why they were turned down. (TransPULSE).
- Transgender individuals experience structural barriers to employment, in systems that are not designed for the possibility of trans experience. For example, 28% of trans Ontarians could not get employment references with their current name or pronoun, and 58% could not get academic transcripts with the correct name or sex designation (TransPULSE and TRANSforming JUSTICE, 2018).
- Over their lifetime, 77% of transgender individuals in Ontario reported they have had suicidal thoughts and 43% had attempted suicide (Ontario Human Rights Commission).

3 – Impacts of Colonialism on Two-Spirit Identities

Colonization has profoundly and negatively impacted Indigenous Peoples on Turtle Island,[1] including those who self-identify as Two-Spirit.

With the introduction of colonial religions, cultures, customs and languages, traditionally- and culturally-held Indigenous beliefs of sexual and gender identity were weakened or completely erased. A strict cisnormative and heteronormative way of life was introduced onto Turtle Island and in many cases even put into law.

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[1] Turtle Island is the name many Algonquian- and Iroquoian-speaking peoples, mainly in the northeastern part of North America, use to refer to the continent of North America. In various Indigenous origin stories, the turtle is said to support the world and is an icon of life itself. Turtle Island therefore speaks to various spiritual beliefs about creation and for some, the turtle is a marker of identity, culture, autonomy and a deeply-held respect for the environment.

Due to the impacts of colonization, assimilation, the residential school system and the sixties scoop, many Indigenous nations and individuals, including those who are Two-Spirit, are working to reclaim their traditional language and practices.

Rates of harassment, discrimination and violence against Two-Spirit individuals are often difficult to gauge because of a lack of disaggregated statistical data. Intersectional research has shown that Two-Spirit individuals are more likely to experience increased victimization (i.e., violence, harassment, discrimination, poorer health outcomes, and more) due to a combination of various systems of power such as racism, homophobia, transphobia and sexism interacting with their unique positionality within the spaces of gender, sexual and cultural diversity.

Did you Know?

2S (for Two-Spirit) is at the front of 2SLGBTQIA+ — the acronym used to refer to the Canadian gender and/or sexually-diverse community — to recognize Two-Spirit people as the first 2SLGBTQIA+ communities in Canada and Turtle Island.

To be an ally to our Two-Spirit and Indigenous LGBTQIA+ colleagues, consider:

- Taking the time to learn about Canada's colonial history.
- Reading the Final Report of the Truth and Reconciliation Commission of Canada.
- Reading the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.
- When interacting with Two-Spirit persons, prioritize using gender-neutral language and pronouns unless you are told otherwise by the Two-Spirit person themselves.

- Consulting GCconnex — a platform available on the Government of Canada network that facilitates networking and collaborating among for public servants. It includes discussion on topics such as the [Positive Space Initiative](#) and [Two-Spirit identities](#) in the workplace.
- Accessing Canada School of Public Service training, which in many instances, is offered at no cost to federal public servants. These sessions will help develop competencies to advance intersectional equity, diversity and inclusion within the workplace. Learning paths and courses include:
  - [Positive Space Initiative: 2SLGBTQI+ Awareness (INC111](#))
  - [Positive Space Initiative: Becoming an Ambassador for 2SLGBTQI+ Inclusion (INC112)](#)
  - [Recognizing the Resilience of Indigenous Women and the 2SLGBTQIA+ Community (IRA1-E30)](#)
  - [Various Indigenous Learning Products](#)
  - [Equity, Diversity and Inclusion Learning Path for Executives](#)

F – Practical and Direct Ways for Managers to Support Two-Spirit, Transgender, Non-Binary and Gender-Diverse Employees in the Workplace

It can be very frightening and vulnerable for an employee to share their gender diversity with you given your role as manager or senior leader.

As we have seen above, many Two-Spirit, transgender, non-binary and gender-diverse individuals face disproportionately high barriers to and within employment and higher rates of discrimination after coming out. Your Two-Spirit, transgender, non-binary and gender-diverse employees might be scared or concerned about many things because of their gender identity, including:

- Whether their personal safety and security will be in jeopardy.
- Whether their colleagues and/or superiors will respect them, value them, and/or protect them from experiences of harassment and/or discrimination.
- Whether they will have to divulge personal details about their gender journey.
- Whether their career will be negatively impacted.

The following section will provide you with the tools required to reassure your Two-Spirit, transgender, non-binary and gender-diverse employees that you, as their manager or senior leader, are committed to ensuring that:

- Above all else, you are committed to their safety in the workplace;
- You will do the work to understand Two-Spirit, transgender, non-binary and gender-diverse employees' realities;
- You will strive to understand what it means to be a 2SLGBTQIA+ ally; and that
- You will uphold your commitment and duty as a senior leader to play a pivotal role in shaping the work environment by setting the tone and creating a positive work culture.

Your commitment and goodwill means more to 2SLGBTQIA+ employees, and specifically to transgender public servants, than you could ever know.

1 – Act in Allyship

A 2SLGBTQIA+ ally is someone who actively and consistently supports, stands with and advocates for 2SLGBTQIA+ communities. It is a process of continual learning and reflection. As public servants, it is our responsibility to treat all people with dignity and promote a healthy and respectful workplace. Please remember that that allyship is rooted in action; it is a verb!

For more tips on how you can be a 2SLGBTQIA+ ally and contribute to building a workplace that is inclusive of everyone, we recommend consulting the Canada School of Public Service 2SLGBTQIA+ Ally Job Aid.

Did you Know?

Allyship is a process that extends to other minoritized groups, outside of the 2SLGBTQIA+ community. **Allyship is an intersectional practice**.

You can be an ally to racialized persons, for example, by amplifying racialized voices, making space for racialized voices at decision-making tables, calling out racial discrimination, bias and bigotry and taking steps to understand your own unconscious or conscious biases as it relates to racialized persons.

For more information, check out this Canada School of Public Service video on Understanding Anti-Black Racism and How to be an Ally.

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2 – Safeguarding Personal Information

As a manager, you will be privy to a lot of employee personal information.

An employee's gender identity, deadname(s) and medical history should be treated as private and confidential (Protected B) unless otherwise told by that employee. This release of employee personal information cannot be undone and may have a permanent impact on the employee's mental and/or physical wellbeing. This applies throughout the employee's tenure on your team, and regardless of whether or not they are openly Two-Spirit, transgender, non-binary or gender diverse. An employee being openly gender diverse does not give you consent to discuss or share their story, identity or deadname on their behalf.

3 – Supporting Employees with Updating Their Chosen and/or Legal Name and/or Pronouns

In instances where an existing employee changes their name, pronouns and/or gender markers, they may ask for your assistance in facilitating this change within your organization. You can support your employee(s) in this process by contacting relevant stakeholders and vouching for the employee's request. While many federal organizations are making great strides in the implementation of chosen names and gender markers, some departments and agencies still lack centralized or streamlined policies and procedures to execute this work. As such, some advocacy work may be involved on the part of the manager to ensure that the employee is able

to implement their name and/or gender markers change across all system architectures. Some of the affected systems to be addressed include:

- MS Teams display name
- Outlook email address
- Phone directories and databases
- Organizational charts
- Mailing lists
- Schedules
- Identification cards/ID badges
- Door/desk name plates
- Websites (URLs)
- MyKey
- TAPS
- MyGCHR/Phoenix

A Note for Readers

As it stands, there is no central policy or guidance from the employer that stipulates how, when, or where to implement **chosen names** and **gender markers**.

As such, most federal organizations have developed, or will be developing, their own internal processes for making these changes. Some organizations have a more developed procedure than others. In cases where your organization is unsure of how to implement a non-legal name change, please feel free to reach out to the Public Service Pride Network or check out the Chosen Names and Gender Markers resource hub. For more information on how chosen names and gender markers can be updated from the perspective of our Intergovernmental Working Group on Chosen Names and Gender Markers Co-Chairs, please see Appendix E.

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4 – Supporting Gender-Fluid Employees

Some of your employees may be gender-fluid, which means that their gender identity shifts, and may use more than one chosen name or more than one pronoun.

Most gender-fluid people will let you know when their pronouns shift, either by updating them in MS Teams (where possible), email signatures or having a discussion about it. Even so, opening up the floor to the discussion and showing them that you, as their manager, want to get this right is the best approach to show your allyship.

See Section I (Allyship in Action: Case Studies and Scenarios) for some examples of how gender-fluid persons might use specific names or pronouns in specific situations.

5 – Provide Access to Safe and Inclusive Washing and Toilet Facilities

Using a washroom, change room or pumping room during or after transition can be a difficult and scary experience for Two-Spirit, transgender, non-binary and gender-diverse employees. The risk of discrimination or harassment in these spaces is heightened within federal workplaces and in public spaces.

You can support these employees by knowing where inclusive washing and toilet facilities are located within your office space and building complex. If none exist, explore creating inclusive washing and/or toilet facilities with your organization's Real Property team. Public Services and Procurement Canada (PSPC) is implementing the [Functional Direction on All-access Washrooms](), which already provides policy guidance for single-use, enclosed, gender-inclusive, fully accessible washroom facilities in base building space.

Additionally, PSPC is working with the PSPN on an inclusive washroom design guide, offering policy guidance for inclusive toilet facilities to meet the needs of all users, regardless of their intersectional identity factors like gender identity, sex assigned at birth and more.

6 – Provide Flexibility in Dress Codes

Managers should allow flexibility in dress code to accommodate an employee's personal gender expression.

Gender and cultural norms set out different expectations of men and women, and enforce a particular set of dress codes that can be harmful to Two-Spirit, transgender, non-binary and gender-diverse employees. For example, a gender-fluid or transgender person may get pushback for the way that they choose to wear their hair if it does align with gender norms, or a non-binary person may receive negative comments if they choose to wear a mix of masculine and feminine clothing, or masculine clothing one day and feminine clothing another day.

While many organizations have adopted more flexibility in their dress codes, it is important to note that cultural expectations continue to dictate what is deemed "appropriate," whether or not it is explicitly expressed. Many Two-Spirit, transgender, non-binary and gender-diverse individuals experience covert forms of judgement surrounding their choices to present outside the gender norm or gender binary. Sometimes this leads to comments about their appearance being "unprofessional" or "unkempt." These comments point to unconscious biases (unconscious assumptions, beliefs, attitudes and stereotypes that human have about different groups) which prevent us from acting fairly and respectfully.

The best way to counter unconscious biases is to learn about them. The Canada School of Public Service [has several courses helping public servants, at all levels, move from bias to inclusion](#).

Instead of dress code, managers can instead focus on whether an employee and their actions are in line with your organization's Code of Conduct, if one is available, and/or [the Values and Ethics Code for the Public Sector](#).

For example, Employment and Social Development Canada has a Code of Conduct which notes "your appearance should reflect the professional image of the department and be appropriate for the job you do."

Managers are also encouraged to consider the financial realities associated with clothing. Pursuing a transition can be very expensive, including changes to wardrobe and hair, which means that some employees may experience varying degrees of gender expression, over any given time.

It is recommended that performance reviews do not include considerations or comments about personal appearance unless it is clearly related to a person's job performance.

In federal workplaces requiring uniforms or institutionalized dress codes, employees are permitted to dress within the stated guidelines in the way that they feel most comfortable. For example, if uniforms are gendered then employees should have the choice of which uniform to wear. If/when they opt for a new uniform, they should be supplied with uniforms that fit appropriately, or are tailored to fit appropriately. Practical details, such as who pays for uniforms, should be dealt with according to the usual policy on similar issues.

In federal workplaces with heavy machinery, managers should focus on safety, functionality, and consideration for front-facing work. For example, you can replace a gendered rule that women should tie their hair when using machinery, to a descriptive rule that long hair should be tied back, regardless of the employee's gender identity or sex assigned at birth.

7 – Medical Leave and Gender-Affirming Care

Government of Canada employees are entitled to receive gender-affirming care under the [Public Service Health Care Plan](#). Some of the available benefits include, but are not limited to:

- Prescription drug coverage.
- Mental health supports.
- Gender Affirmation (up to $75,000 per lifetime) for procedures not covered by provincial/territorial health plans.

For more information on coverage, you can direct your employee to the [Public Service Healthcare Plan](#) or have them reach out to the [Public Service Pride Network's Gender Identity and Expression Action Committee](#).

Some Two-Spirit, transgender, non-binary and gender-diverse employees will choose to pursue certain forms of medical gender affirming care during their transition. Since no two journeys are the same, medical transitions can look different for each individual employee. The exact nature of an employee's medical transition is private information that they are not required to disclose. As a manager, there may be times when an employee needs to take medical leave related to their transition, which may be paid (i.e., medical appointments or sick leave) or unpaid (i.e., sick leave without pay) depending on their available leave credits.

Managers have a [duty to accommodate](#) transgender employees who are seeking medical leave or other such accommodations. If you are unsure about what accommodations are at your disposal, consult with your organization's Labour Relations team.

8 – The Creation of "Pride Corners" in the Physical Workplace

One initiative that can support 2SLGBTQIA+ employees in a physical workplace is the creation of spaces that are meant just for them and their allies. Depending on circumstances, departmental or agency employee pride networks, diversity committees, Human Resources, and/or management can lead this initiative. The scope of this project can vary, but the idea is to provide an area of the office, whether that be a bookshelf, a seating area, or even a dedicated cubicle, to offer the 2SLGBTQIA+ community and their allies a place to go to feel at home, connect, peruse a few resources, and see symbols that enforce their sense of belonging in the office.

This can be achieved with a small budget and a few hours of time to purchase relevant books, pronoun pins, flags/other symbols and to gather informational resources such as pamphlets/brochures. A further benefit to such a project is to support a local or Canadian, queer, small business with these purchases. These businesses also often have materials that touch on local topics and informational resources that are relevant to the local area. Employees can also be encouraged to contribute old materials from their bookshelves and a "donation bin" can be placed in the Pride Corners. When setting up these spaces, consider having an "unveiling or launch" event to show support to the 2SLGBTQIA+ community and draw attention to the Pride Corner's offerings.

Having a space in our physical workplaces dedicated to promoting and supporting the 2SLGBTQIA+ community sends a powerful message to employees at all levels and classifications that they are not only welcome to bring their full and authentic selves to the workplace, but that their employer supports them in doing so. It also sends this message to the entire organization which can sometimes be even more crucial.

G – Federal Legislation and Policy Instruments Outlining Managerial Responsibilities and Expected Behaviours

As managers within the federal public service, you play a pivotal role in building a federal public service that is agile and responsive to the needs of Canadians through the promotion of inclusion and civility.

Specifically, managers have a duty to carry out their responsibilities in people management in a way that aligns with the Key Leadership Competencies and the Public Service Code of Values and Ethics. Managers are also responsible for exercising their management authority in a way that contributes to the achievement of objectives set for their organization by their deputy head, and set for the Public Service as a whole by the Treasury Board and Privy Council Office.

1 – The Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms protects a number of rights and freedoms and forms part of our Constitution – the highest law in all of Canada.

Section 15(1) of the Charter states: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

The Courts have held that Section 15 also protects equality on the basis of other characteristics that are not specifically set out, including sexual orientation and gender identity.

Section 15(1) of the Charter applies to government action in the form of legislation, regulations, directions, policies, programs, activities and the actions of government agents carried out under lawful authority. The rights protected under Section 15(1) of the Charter, however, are not limitless. Section 1 of the Charter allows the government to put limits on rights and freedoms if that limit is set out in law; pursues an important goal which can be justified in a free and democratic society; and pursues that goal in a reasonable and proportionate manner.

2 – *The Canadian Human Rights Act*

The *Canadian Human Rights Act*, which applies to the federal public service and federally-regulated entities, prohibits discrimination on the basis of 13 grounds: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted.

Section 7 specifically prohibits discrimination in the context of employment, and provides that: "It is a discriminatory practice directly or indirectly, (a) to refuse to employ or continue to employ any individual, or (b) in the course of employment, to differentiate adversely in relation to an employee, on a prohibited ground of discrimination."

Some examples of discrimination that would fall under Section 7 include (but are not limited to):

- Misgendering: Repeated or deliberate use of the incorrect pronouns or names after a transgender employee has communicated their preference.
- Harassment: Persistent and/or unwelcome conduct, including derogatory remarks, jokes, or physical intimidation.
- Unequal access to facilities: Restricting a transgender employee's access to the toilet facility of their choosing, or not having access to a toilet facility that conforms to their gender identity (i.e., no gender inclusive bathroom for non-binary employees, with no form of accommodation for this limitation).
- Uniform policies that do not accommodate various gender identities.
- Leave policies: Denying leave that would otherwise be available for other medical needs for medical procedures or appointments related to gender affirming care.
- Name policies: If there are mechanisms for cisgender people to update their chosen names, such as through a marriage or preference, then it should be the same for transgender employees. There is no reason to deny the use of a chosen name.

3 – Values and Ethics Code for the Public Sector

Federal public servants are expected to conduct themselves in accordance with the values of the public sector and related expected behaviours. Of the five values, Respect for People requires public servants to respect human dignity and the value of every person by:

[2.1] Treating every person with respect and fairness;
[2.2] Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce;
[2.3] Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination;
[2.4] Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

4 – Key Leadership Competencies

The Key Leadership Competencies define the behaviours expected of leaders in the federal public service. One of the six competencies is to uphold integrity and respect, for which the following effective behaviours can be expected:

Manager:

- Implements practices to advance an inclusive, healthy organization, that is free from harassment and discrimination
- Promotes and respects the diversity of people and their skills
- Recognizes and responds to matters related to workplace well-being
- Engages in self-reflection and acts upon insights

Director and Director General:

- Creates opportunities that encourage bilingualism and diversity
- Implements practices to advance an inclusive, healthy organization, respectful of the diversity of people and their skills and free from harassment and discrimination
- Engages in self-reflection and acts upon insights

5 – Directive on Employment Equity, Diversity and Inclusion

In applying the Directive on Employment Equity, Diversity and Inclusion, managers are supporting the creation of:

[3.2.1] An equitable, diverse and inclusive workplace where no person is denied employment opportunities or benefits for reasons unrelated to ability or job requirements;

[3.2.2] [a workplace in which] Management demonstrates effective leadership by promoting and contributing to employment equity, diversity and inclusion in the workplace; and

[3.3.3] Organizational policies and practices [that] respect and promote equity, diversity and inclusion.

6 – Duty to Accommodate

Where an employment rule, policy or practice has a negative impact on an employee based on a prohibited ground of discrimination, employers have a duty to make reasonable accommodations for the employee's needs. This is outlined in the duty to accommodate.

Employers have an obligation to adjust rules, policies or practices to enable employees to participate fully in the workplace. It applies to needs that are related to the prohibited grounds for discrimination, named under Section 15(1) of the Charter.

Managers and employees must work together to make accommodation a real collaborative process built on ongoing communication. This includes managers working with the employee to identify the accommodations and support they may need.

For instance, people pursuing gender affirming surgery may require several weeks off, and those coming back from surgery may require a private space to do after-surgery related care. Similarly, gender-diverse and non-binary employees may require inclusive washing and toilet facilities that are not gender-designated spaces, dress code flexibility, and nursing spaces. Talk to your employee about how you can support them and listen when they bring up concerns.

For more information on the duty to accommodate, check out this resource from Canadian Human Rights Commission.

A Note for Readers

The **duty to accommodate** is not limitless. It does not require employers to incur "undue hardship" on the basis of health, safety or cost. The point at which something would amount to undue hardship will depend on the circumstances, but it is generally reached when reasonable means of accommodation are exhausted and only unreasonable or impracticable options for accommodation remain.

In cases where the undue hardship claim may be used, such as in providing access to gender inclusive facilities, other accommodations should be pursued.

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7 – Workplace Harassment and Violence Prevention Regulations

As a federally regulated workplace, your department or agency is subject to the updated requirements for employers to prevent harassment and violence in federally regulated workplaces which came into effect on January 1, 2021.

8 – *The Privacy Act*

The *Privacy Act* extends current laws that protect the privacy of individuals, with respect to personal information about themselves held by a government institution, and provides individuals with a right of access to that information.

In the context of protecting Two-Spirit, transgender, non-binary and gender-diverse employees, the *Privacy Act* can inform the way that we handle sensitive information that may "out" an employee's gender identity or sexual orientation. For instance, when a chosen name is linked to a legal name in our Human Resource, security and/or IT systems, the sharing or exposure of the chose name in relation to the legal name may cause an employee harm. Special attention must

be given to the ways in which we handle information that relates to protected grounds, including chosen names, pronouns and requests for medical leave.

9 – Federal 2SLGBTQI+ Action Plan

In August 2022, Women and Gender Equality Canada published the Federal 2SLGBTQI+ Action Plan to advance rights and equality for Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and other sexually- and gender-diverse people in Canada.

The Plan includes a commitment to strengthen 2SLGBTQI+ inclusion in federally-regulated workplaces and to continue acting on the history of the LGBT Purge, the effects of which are still felt today and can be further explored by reading the LGBT Purge – Emerging from the Purge Report.

H – Spotting and Addressing 2SLGBTQIA+ Discrimination, Harassment and Bullying at Work

Everyone — including employees — has a responsibility to address and eliminate discrimination, harassment and bullying within the workplace.

Identifying and addressing discrimination, harassment and bullying is the legal obligation of the employer under a number of federal public service directives and policies, in addition to collective agreements and even the law! [In a recent decision](#), the [Canadian Human Rights Tribunal](#) (CHRT) ruled that misgendering and "[deadnaming](#)" an employee, despite specific and repeated requests for their gender identity to be respected, constitutes discriminatory behaviour that violates the *[Canadian Human Rights Act](#)*.

This section will highlight your roles and responsibilities as a manager as it relates to preventing and responding to alleged 2SLGBTQIA+ discrimination, harassment and bullying. Both informal and formal processes will be covered, since they both aim to resolve complaints as quickly as possible, in a way that is fair, constructive and respectful.

1 – What Does Anti-Trans Behaviour Look Like?

Anti-2SLGBTQIA+ sentiments, like homophobia, transphobia and other phobias — which point to a dislike or prejudice against 2SLGBTQIA+ persons — persist in both the workplace and our broader society.

Sometimes, these sentiments manifest or extend into anti-2SLGBTQIA+ behaviours, and can take the form of discriminatory language, and/or verbal, physical, or sexual violence. Anti-2SLGBTQIA+ behaviours can also be covert and present through various forms of unconscious bias.

A Note for Readers

Some academics are now considering the impact of words like **transphobia** and **homophobia**. They wonder whether or not they could be seen as problematic, since they pair a neutral term like transgender or homosexual, with a psychological negative condition (phobia). The terminology in and of itself may feed and perpetuates that unconscious bias we are addressing and needing to dismantle.

Anti-trans and anti-2SLGBTQIA+ as new terms may be more accurate in depicting that the problem is not the gender- and/or sexually-diverse individual, but the hate projected toward gender and sexual diversity.

In order to address anti-2SLGBTQIA+ behaviours perpetrated against their Two-Spirt, transgender, non-binary and gender-diverse employees, managers must first recognize it.

Employers can implement bias training programs and workshops for all employees to raise awareness about unconscious biases and their impact on decision-making processes. Some examples of unconscious bias against transgender employees could include:

- Misgendering: Individuals may occasionally use the incorrect pronouns when referring to a transgender person because their perceived gender expression (i.e., a transgender woman who identifies her pronouns as "she/her" may be misgendered as "he/him" or "they/them" due to her gender presentation deviating from societal expectations and norms of womanhood".
- Exclusion from opportunities: A 2018 study by TRANSforming Justice showed that transgender employees often experience disproportionately high barriers to career advancements.
- Microaggressions: Columbia University's Dr. Derald Wing Sue defines microaggressions as everyday slights, insults, putdowns and validations of offensive behaviours. Microaggressions can be verbal or nonverbal, and may include things like subtle but harmful comments, jokes, and actions. Some examples include:
    - Subtle comments such as "I never would have known you're transgender! You're totally passable as a [man/woman]."
    - Using the term 'preferred pronouns' rather than acknowledging the fact that they are simply a person's pronouns, and are not 'preferred.'
    - Referring to a mixed group of people as 'guys.'
    - Asking inappropriate or intrusive questions about where someone is in their medical transition.
    - Avoiding interactions with transgender people, or avoiding using their pronouns out of fear of making a mistake.
- Lack of support: Unconscious bias can manifest through barriers to accessing gender affirming care, insufficient resources, or a lack of accommodations for Two-Spirit, transgender, non-binary and gender-diverse employees.

Managers should evaluate whether unconscious biases are present in their teams and workplaces and ensure their teams understand these biases. By fostering awareness, managers can create a workplace where employees recognize their own biases, reducing harm and barriers for marginalized groups.

I – Dealing with Resistance: How Managers and Team Leaders Can Address Harassment, Discrimination and Bullying at Work

1 – Prevention

Cultivating an organizational culture that fosters and supports employees to be their authentic selves is the best way to counter negative behaviours, like discrimination, harassment and bullying. Creating an environment like this involves more than managing complaints since complaints are often a last resort for individuals dealing with symptoms of an unwelcoming environment.

In your role as manager, you can lead by example by acting respect and dignity when liaising with employees and coworkers. You can be an ally, and ensure that prevention activities are being understood and practiced.

As noted above, the Canadian Human Rights Commission has identified:

- discrimination as "an action or a decision that treats a person or a group badly for reasons such as their race, age or disability. These reasons, also called grounds, are protected under the *Canadian Human Rights Act*)" and
- harassment as "a form of discrimination [which] includes any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment. "

Workplace bullying is defined by the Canadian Centre for Occupational Health and Safety as "acts or verbal comments that could psychologically or 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression."

2 – Prevention Tools

- Ensure that employees have read through and understand the Directive on the Prevention and Resolution of Workplace Harassment and remind them of the behaviour expected of them under the Values and Ethics Code for the Public Sector.
- Utilize the training listed in the annex of this guide to inform others about important 2SLGBTQIA+ issues and best practices.

- Find out what training is available within your organization on harassment prevention, anger management, meaningful conversations, self-awareness, collaborative problem solving, and conflict resolution.
- Encourage employees to attend sessions on equity, diversity and inclusion and make sure to attend those training sessions with them.
- Talk about the consequences of harassment or bullying in the workplace. Outline some of the scenarios covered in this guide to illuminate what harassment against transgender individuals might look like.
- Be aware of the atmosphere of your workplace - inquire about morale and observe how your employees interact with one another. Watch out for derogatory jokes, misgendering, deadnaming, gendered language or gatekeeping of gendered resources.

For more information and helpful tips on preventing workplace harassment, managers can also visit the now archived [Preventing and Resolving Harassment in the Workplace – A Guide for Managers](#).

3 – Collaborative Problem-Solving: Informal Resolution Options for Dealing with Resistance, Discrimination and Bullying

The aim of both informal and formal responses to allegations of bullying, harassment and discrimination is to address and resolve the issue promptly while adhering to the ethical and legal responsibilities of all parties involved.

Often, informal methods (such as open dialogue and collaborative problem-solving) provide the best opportunity to resolve the issue. This approach empowers individuals to find a solution that meets their needs and helps restore a respectful and collaborative relationship. Managers are encouraged to facilitate informal resolution practices whenever possible, as outlined in the [Preventing and Resolving Harassment in the Workplace – A Guide for Managers](#).

Informal approaches may involve addressing the perpetrator directly. In instances of misgendering or deadnaming, managers who overhear such comments should take the person aside to explain the harmful impact of their actions. Educational materials can also be provided to illustrate best practices for transgender inclusion (refer to the resource guide in Appendix B and Case Studies below).

If an employee comes to you with a complaint and would like to be a part of the facilitation of a resolution, assistance from a resource person, such as a coach, facilitator, advisor, mediator, supervisor, the PSPN, or a union representative would be helpful in preparing the employee for a productive conversation.

If the problem is not solved during this first step, or if one of the parties feels as though they cannot speak directly to the perpetrator, you as the manager may wish to initiate formal mediation through your HR team or the parties' union.

Under the [Directive on the Harassment Complaint Process](), individuals have 12 months to file a complaint through the formal complaint process. If you believe the time required to follow the informal process will exceed this limit, managers should ask their employees to consider making a written complaint while continuing to pursue informal processes. This will protect them should they need to move forward with a formal process.

If during the informal process the individual wants to file a complaint, it can be done through:

- the person responsible for issuing complaints of harassment under the [Directive on the Harassment Complaint Process](); and
- the [Canadian Human Rights Commission]() (if an allegation of harassment is based on one of the grounds of discrimination prohibited under the *[Canadian Human Rights Act]()*).

For more information on how to restore the wellbeing of employees after a harassment complaint, please see [Restoring the Workplace Following a Harassment Complaint: A Manager's Guide]().

For more information on the informal resolution processes, please consult with your departmental Informal Conflict Resolution person. You can also refer to [Getting to know Informal Conflict Management Systems better]() and [A guide to the key elements of an ICMS in the core public administration]().

4 — Allyship in Action: Case Studies and Scenarios

We begin this section with a disclaimer that every coming out story and transition is unique. There is no one size fits all approach to timelines, steps, or processes for transitioning, coming out, or discovering one's gender identity or sexual orientation.

It is imperative that managers provide employees with the space to not only define what works for them, but also to change what this looks like over time.

These case studies illustrate the diversity of experiences among Two-Spirit, transgender, non-binary and gender-diverse employees, and highlight the importance of personalized support, empathy, and proactive measures by managers to create an inclusive environment.

Supporting Employees who Come out in Stages: Alex

Meet Alex. They are non-binary and have been a member of the public service for seven years now. They have finally decided to come out at work, but they would like the transition to happen slowly. They decide to tell a few co-workers at first, and request that those co-workers help them try out the pronouns she/they when communicating within their team. Outside of

the team though, Alex would like them to only use the pronouns she/her, since they are not yet comfortable with those outside their inner circle knowing that they are non-binary. They decide to continue with this route for several months, before deciding to put their pronouns into their email signature and teams.

For Alex, taking it slow is really important. They do not want to draw attention to their transition, as - for them - they are still trying to wrap their head around all the changes themselves. They are also still unsure of how others will react and want to make sure they are safe before proceeding. To make it easier for folks, and themselves, they are flexible about the use of both she and they pronouns.

They share this information with their manager and ask that he just follow their lead in regards to the progression of their transition. Their manager asks if there is anything they can do to support Alex, and lets them know that they are happy and excited for them and their new journey. When and if the time comes, they tell Alex that they will be happy to support in any way that Alex wants, such as informing HR of a potential name change or colleagues of a new pronoun. Alex thanks them and says they will keep them posted. In the end, it takes several years for Alex to come to a place where they are ready to share their new name and pronouns openly at work, and - for them - this was the perfect timeline.

Being the type that really liked to slowly plan out their actions, Alex requested that their manager just step back and let them handle their transition by informing HR and colleagues on their own accord. The only support they required was privacy and confidentiality while they figured out their next steps, and perhaps some learning on the part of the manager about what it meant to be [non-binary](#) and [how to use inclusive language with their team.](#)

Supporting Employees who Want a Swift and Structured Transition at Work: Jordan

Jordan, a transgender woman, decided to come out at work after starting hormone replacement therapy (HRT). She felt it was essential to be open about her transition to help alleviate the stress of presenting as male at work and female outside of work. Jordan wanted to make her transition as seamless as possible and decided to announce her transition first to her manager, and then in a team meeting with her manager's support.

Jordan's manager worked closely with HR to ensure that all her records were updated, including her name and gender marker. They also arranged for a sensitivity training session for the entire team to educate them on transgender issues and inclusivity. Jordan's manager made it clear to the team that they were expected to respect her identity and use her correct name and pronouns.

The manager also set up regular check-ins with Jordan to address any issues she might face during her transition. They also provided Jordan with information about employee resource

groups and connected her with a mentor who had gone through a similar experience. By fostering an open and supportive environment, Jordan's manager helped her feel confident and supported in her workplace.

Addressing Resistance Around Access to Washrooms: Emily

Emily is a trans woman who has recently come out at work and started using the women's restroom. Some employees express discomfort and resistance to this change, creating a challenging situation for Emily and the manager.

Emily's manager takes a proactive approach by organizing a team meeting to address the concerns. During the meeting, the manager emphasizes the company's policies on non-discrimination and inclusivity. They explain that everyone has the right to use the restroom that aligns with their gender identity and that the organization supports this right unequivocally. The manager also offers an anonymous feedback system for employees to voice their concerns, which will be addressed with sensitivity and respect. They provide educational materials on transgender issues and the importance of supporting transgender colleagues.

In addition, the manager sets up a private meeting with Emily to assure her of the organization's support and to discuss any additional measures that might help her feel more comfortable. By taking a firm stand on inclusivity while also addressing employee concerns, the manager helps to create a more understanding and supportive workplace.

How to Support Gender-Fluid Employees with Pronouns and Names: Jamie

Jamie is gender-fluid and experiences shifts in their gender identity. They have communicated to their manager and colleagues that their pronouns may change, and they will indicate their pronouns each day to avoid confusion.

Jamie's manager supports this by implementing a system where Jamie can easily update their pronouns. They create a simple visual cue, such as a small flag or badge, that Jamie can change daily to reflect their pronouns. This visual aid helps colleagues remember to use the correct pronouns without Jamie having to repeatedly explain their gender fluidity.

Additionally, the manager conducts a brief training session on gender fluidity and the importance of pronoun usage. They emphasize the need for flexibility and respect in addressing Jamie's pronouns, encouraging the team to ask politely if they are unsure and to adapt quickly to Jamie's pronoun changes.

The manager also checks in regularly with Jamie to ensure the system is working and to make any necessary adjustments. By providing practical solutions and fostering an environment of

respect and adaptability, the manager helps Jamie feel supported and respected in their workplace.

Addressing Misgendering and Deadnaming: Micheal

Michael is a transgender man who has recently re-joined the organization. While most colleagues are supportive, there are occasional instances where people (previous colleagues) use the wrong pronouns or his deadname. Michael feels uncomfortable correcting them every time, so he approaches his manager for help.

The manager decides to implement a few strategies to address the issue. First, they organize a refresher training session on transgender issues, focusing on the importance of using correct pronouns and names. The training includes real-life examples and role-playing exercises to help employees practice and internalize the correct behaviours.

Second, the manager introduces an anonymous reporting tool where employees can report instances of misgendering or deadnaming. This tool allows the manager to address issues without putting the burden on Michael to correct others constantly.

Finally, the manager schedules regular team meetings to discuss inclusivity and respect in the workplace, ensuring that these values are reinforced consistently. They also provide visible support for Michael by using his correct name and pronouns in all communications and encouraging others to do the same.

By taking these proactive steps, the manager helps to create a supportive environment where Michael feels respected and valued, while also educating the team on the importance of inclusivity.

Addressing Misgendering and Deadnaming: Sam

Meet Sam. They are gender-fluid and have been open about their gender identity at work for a year now. Despite this, Sam occasionally encounters colleagues who either forget or are unaware of their pronouns, leading to instances of misgendering and deadnaming.

One day, during a team meeting, a colleague repeatedly refers to Sam using the wrong pronouns and their former name. Sam's manager, aware of the situation, decides to address it immediately but discreetly. After the meeting, the manager takes the colleague aside for a private conversation.

The manager calmly explains the importance of using correct names and pronouns, emphasizing the harm that misgendering and deadnaming can cause. They provide educational resources on gender identity and encourage the colleague to apologize to Sam. The manager also reiterates the organization's commitment to inclusivity and respect for all employees.

By addressing the issue directly and privately, the manager helps to create a more respectful and inclusive environment without embarrassing the colleague in front of others. They also follow up with Sam to ensure they feel supported and to discuss any further actions they might want to take.

J – Additional Harassment, Discrimination and Bullying Resources

Harassment and Violence Prevention Departmental Representatives

Departmental representatives for the prevention and resolution of harassment promote a culture of respect and help resolve harassment complaints under the authority of the organization's Designated Official. Managers can find their departmental representative by visiting this repository of contacts (available only on the Government of Canada Network).

Managers can also contact the Canadian Centre for Occupational Health and Safety.

Positive Space Ambassadors

Positive Space ambassadors are trained volunteers and peer mentors. They speak positively about gender and sexual diversity, and promote diversity awareness, allyship and inclusion. They also offer confidential support and make referrals when appropriate.

Managers can themselves learn more about Positive Space and become a Positive Space Ambassador. Managers can also encourage their employees and colleagues to become Ambassadors through the CSPS.

Informal Conflict Management Services (ICMS)

The ICMS program provides services to all employees and managers to prevent and resolve conflicts in the workplace, prevent conflict from reoccurring, and restore a healthy work environment and workplace relationship

For more information on unconscious bias, transphobia, and other topics, see Appendix B: Additional Resources.

Guides

Managers are encouraged to make use of the many guides available to them, supporting efforts to create and enhance workplace wellbeing:

- Preventing and Resolving Harassment in the Workplace – A Guide for Managers - Canada.ca
- Restoring The Workplace Following A Harassment Complaint: A Manager's Guide - Canada.ca
- Guide on Applying the Harassment Resolution Process - Canada.ca
- Archived - Policy on Harassment Prevention and Resolution- Canada.ca

K – Closing Thoughts

This guide was developed with the well-being of our Two-Spirit, transgender, non-binary and gender-diverse employees in mind, in addition to that of our ally managers and senior leaders, and the entire federal public service.

Goodwill is a powerful force and we should lean into promoting, embodying and championing it. It is important to consider why, as managers, we do things and where there is room to take steps towards inclusion rather than relying on the status quo.

It is through a commitment to learning, mutual understanding, collaboration, and respectful dialogue that any and all challenges can be resolved.

We thank you for your support and encourage you to continue your learning journey.

Additional resources are available in the appendices of this guide, on the PSPN website, across the federal public service, and through a variety of external organizations seeking to improve the lives of 2SLGBTQIA+ people in Canada like EGALE, PFLAG, the Enchanté Network and Wisdom2Action.

Thank you.

The Public Service Pride Network

APPENDIX A: GLOSSARY OF TERMS

The following glossary has been provided to us by Employment and Social Development's Pride Network, the 2SLGBTQI+ Secretariat and the Government of Canada's Sexual and Gender Diversity Glossary.

2SLGBTQI+: The acronym used by the broader Government of Canada to refer to the Canadian community.

2SLGBTQIA+: The acronym used by a variety of federal organizations, like ESDC and the PSPN, as a more inclusive choice, symbolizing the Two-Spirit, lesbian, gay, bisexual, transgender (trans), queer, intersex, asexual/aromantic/agender, and wider gender diverse communities. The "+" symbolizes the identities not represented by the standing acronym.

2SLGBTQIA+- friendly: A term that describes a person, place or entity that has some knowledge of the hardships faced by the queer and trans/non-binary communities and acts to dismantle barriers so that queer, trans and non-binary people can access services without unnecessary or undue hardship. Refers to places, policies, people, or institutions that are open and welcoming to 2SLGBTQIA+ people and communities and which aim to create an environment that is supportive, respectful, and non-judgmental toward 2SLGBTQIA+ community members by dismantling barriers and demonstrating solidarity.

Sexual Attraction: See Sexual Orientation.

Binary: Thought patterns that operate from seemingly stable oppositions; a system of only two options (such as "good and evil", or "black and white").

Binary Gender: An identity that is strictly either a man or a woman. Transgender people may experience their gender as binary or non-binary.

Cisgender (or Cis): A person whose experience of gender aligns or corresponds with the sex they were assigned at birth.

Cisnormativity: A cultural or social framework, often implicit, wherein being cisgender is the norm and being transgender is undesirable, strange, or difficult to understand; manifesting in gendering others based on how they appear, present, or sound. This can take the form of misgendering, which occurs when a person is referred to with the incorrect pronouns, and other gendered terms based on an assumption or perception of others.

Coming Out: The process of disclosing one's 2SLGBTQIA+ identity to others. Note: it is important not to assume someone is "out" in all places in their life, and is best to ask before revealing their status as a trans person to someone else.

Deadnaming: Referring to a transgender person by a former name that they no longer use (their "deadname"). When someone is deadnamed purposefully, it is interpreted as a rejection of who they are, and invalidating their identity. In severe cases, deadnaming could result in the person being subjected to discrimination, violence, and harassment. The impact of deadnaming goes beyond just calling someone the "wrong name", as it can cause feelings of gender dysphoria to reemerge. It can also unintentionally (or intentionally) "out" someone to those who aren't aware of the individual's status, putting them at an increased risk of verbal or physical harm, discrimination, and undue stress.

Gatekeeping: A term used to describe requirements placed on transgender which create undue hardship and barriers, typically in relation to accessing services, medical needs, and acts of social or medical transition (e.g., not being able to legally change one's gender marker without a letter from a psychologist or doctor).

Gender/Gender Identity: An individual's deeply felt sense of being a man, a woman, both, neither, or something else entirely. It is intrinsic and self-defined, reflecting a person's innermost understanding of who they are. It is deeply complex, multifaceted, and sometimes fluid. An individual's gender identity may or may not align with the sex assigned to them at birth.

Gender Affirming: Can refer to social, legal, interpersonal, psychological, medical, or surgical affirmation of transition or gender identity. For example, some transgender people may seek out gender affirming voice training.

Gender Diverse: An umbrella term used for people who are not cisgender.

Gender Diversity: Fair or equitable representation for people of all different genders.

Gender Dysphoria/Gender Incongruence: Refers to the discomfort or distress experienced when there is a discrepancy between a person's gender and their sex assigned at birth. Dysphoria may arise from internal or physical discomfort with one's body, or from the pressures created by society, family, culture, religion, the workplace, etc. to present and perform in a way that corresponds to a gender the person does not identify with. Though gender dysphoria can begin in childhood, many people may not experience the condition until after puberty or much later in life. Additionally, not all transgender or gender diverse people experience dysphoria. It can range from a mild discomfort to unbearable distress, with intensity varying from person to person.

Gender Expression: The ways in which a person expresses their gender within a given culture, through mannerisms, appearance, dress, behaviour, voice tone/pitch, etc. A person's gender expression may or may not correspond with socially prescribed gender roles, and may or may not also reflect their gender identity at all times.

Gender/Sex Marker: An identifier present on documents such as a birth certificate, driver's license, school or medical records, etc. In Canada, most gender/sex markers are typically recorded as either female (F) or male (M); however, Canadian passports and many provinces and territories allow for birth certificates and/or ID documents to identify the person as not exclusively male or female using the marker (X) or undisclosed (U).

Gender Neutral: Without distinction by gender; can be used interchangeably with "unisex", "universal" (as relates to clothing, restrooms, etc.), ungendered, all-gender, or non-gendered. For example, gender neutral washrooms are facilities that are available for someone of any gender to use.

Gender Presentation: How a person chooses to present their gender to others in an effort to influence how others perceive them. For example, a binary transgender man may have certain masculine expressions but overall present as feminine in their workplace because they are not "out" as a trans man. Differs from gender expression, as a person may choose to present as a certain gender that does not correspond to their usual identity or expression for safety or other reasons.

Gendered: Refers to a place, an occupation, an object, etc. that is organized or distinguished by gender, or that is associated with a gender (e.g., skirts and dresses are often gendered in white Western cultures as feminine/for women).

Genderfluid: Referring to a person whose gender identity or gender expression changes or shifts. While gender and sexuality may change over a person's lifetime, gender fluid people experience these shifts more frequently (including day-to-day).

Heteronormativity: A cultural or social framework, often implicit, in which heterosexuality is the norm.

Heterosexism: Prejudice and discrimination against people whose sexual orientation differs from heterosexuality; includes homophobia, biphobia, lesbophobia, etc.).

Inclusion: The practice of using proactive measures to create an environment where people feel welcomed, respected and valued, and to foster a sense of belonging and engagement.

Inclusive Language: Using gender neutral language to include transgender people, such as addressing a group as "folks" or "honoured guests" instead of "ladies and gentlemen". Some transgender people may prefer to use a gender neutral honorific such as "Mx." (pronounced "mix") rather than Mr. or Mrs.

Inclusive Washrooms: Another term which may be used to refer to toilet and washing facilities that can be used by a variety of users, regardless of their gender identity, sex assigned at birth, disability, religion, and other intersecting identity factors.

Indigiqueer: Created by Thirza Cuthand in 2004 as a way to acknowledge that not all LGBTQIA+ Indigenous people feel that Two-Spirit describes their identity. Honours and celebrates one's sexual and romantic orientation as well as their gender identity and expression as they both relate to one's indigeneity.

Intersectionality: First coined in 1989 by scholar and activist Dr. Kimberlé Williams Crenshaw, this term refers to the interconnected and overlapping nature of identities such as sexual orientation, gender identity and expression, race, ethnicity, religion, disability, and socioeconomic status, in addition to the way these interconnected and overlapping identities influence how individuals and groups experience privilege and oppression.

Intersex: General term for a variety of conditions where a person is born with sexual or reproductive anatomy that does not seem to fit the typical definitions of "male" or "female".2

Legal Transition: May include a legal name change and/or legal change in gender marker. It is important to note that legal changes are expensive and may present barriers which make it hard or even impossible for some employees. An employee choosing not to legally change their name or gender marker is not an indication that either is not significant to them.

Marginalization: The act of placing a person, or group in a position of lesser importance, influence, or power; the state of being placed in such a position.

Medical Transition: A process undertaken by some transgender people in order to more closely align their body to their gender; may include (but is not limited to) Hormone Replacement Therapy (HRT), voice therapy, and/or gender affirming surgical procedures.

Non-Binary: Referring to a person whose gender does not align with the binary gender model of man or woman; often used as an umbrella term.

Non-Trans: See Cisgender.

Normalized/Normalizing: To allow or encourage something to become viewed as normal; refers to policies, actions, speech, etc., that work to include transgender experiences and realities into the fabric of mainstream society.

Orientation: See Sexual Orientation.

Passing: Refers to a person's desire and/or ability to be perceived as their gender identity, and beyond that, to not be perceived as transgender without disclosing that information. Many transgender people are unable to "pass" due to lack of access to medical transition, financial hardship, physical features, etc.; however, passing is also not a desirable goal for many transgender people, particularly those who fall outside of the gender binary. Passing is also

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[2] What is intersex? | Intersex Society of North America (isna.org)

extremely situational and someone's ability to "pass" may change depending on external and internal circumstances. This term should not be used in reference to transgender people, as it suggests that a person's worth is dependent on how other people perceive them, or that they are "passing as something they aren't".

Passing Privilege: The privilege derived from the reality that people who "pass" or aren't perceived as being transgender experience significantly less harassment than people who are visibly transgender.

Passing Culture: Refers to the culture within transgender (particularly transgender) spaces of undertaking transition with the explicit goal of passing, and shaming/judging those who cannot or do not "pass". There is significant pushback against passing culture due to the fact that it tends to privilege binary, thin, white, young, non-disabled, and wealthy individuals.

Pre- or Post-Transition: A transgender person who has yet to go through transition (whether socially or medically) may consider themselves "pre-transition", whereas someone who has gone through steps of transition or considers themselves fully transitioned may consider themselves "post-transition". Note that many transgender people may never consider themselves to be "post-transition", as it can be a lifelong process.

Pronouns: The third person personal pronouns (such as he/him, she/her, and they/them) that are used in language to refer to someone. A person may choose to use the pronouns that most closely align with their gender identity, including multiple sets of interchangeable pronouns (e.g., he/him and they/them). Someone may also choose to use neo-pronouns, such as xe/xyr or e/em.[3] Using the correct pronouns to refer to someone is a demonstration of basic respect; you may want to ask someone for their pronouns by offering your own, and avoid assuming which pronouns a person prefers based on their name or physical appearance.

> ** Note: You should use the terms "pronoun" or "gender pronoun" instead of "preferred pronoun" because the latter implies that gender is a matter of choice.

Queer: Referring to a person whose orientation or gender differs from the normative binary vision of gender and sexuality; also used as an umbrella term for 2SLGBTQIA+ communities and people. Can also be used to signify changing or interpreting something so that it does not relate only to one gender, either male or female, or so that it no longer fits traditional ideas about gender or sexuality (e.g., "queering cinema").

> ** Note: Some people may choose to avoid the word "queer" due to its historical and contemporary usage as a slur; personal preference should be taken into account when using it.

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[3] Understanding Neopronouns - Human Rights Campaign (hrc.org)

Sex Assigned at Birth: Refers to the labeling of a newborn's sex based on external genitalia. For example, a baby born with external genitals measuring a certain length may be labeled as "male/boy". The acronyms AFAB and AMAB (English only) are sometimes used for the terms "Assigned Female at Birth" and "Assigned Male at Birth".

Sexual Orientation: An individual's romantic, emotional, and/or sexual attraction to others. It is distinct from gender identity and encompasses a wide range spectrum of orientations, including but not limited to: heterosexual, homosexual, bisexual, pansexual, and/or asexual.

Social Transition: The process by which a person makes social changes that reflect their gender identity and/or expression; this may include a change in chosen or legal names, name and gender marker changes to documents and records, and/or changes to appearance such as clothing, makeup, jewelry, etc.

Stealth: A transgender (typically binary transgender) person who is perceived as "passing" as a cisgender person of their gender and who chooses not to publicly acknowledge their transgender status or history in some or all settings. This often requires multiple forms of transition and may be undertaken by people who are at risk of violence, or lack of job and/or home security. This is not a term that is appropriate to repeat about someone, unless they give you explicit permission, and is a problematic term as it connotes deceit; when gender diverse people live as their authentic selves and are not perceived as trans by others, this does not make them deceptive or misleading.

Transgender (or Trans): Referring to a person whose gender does not align with the sex they were assigned at birth; refers to both binary (trans man, trans woman) and non-binary (gender fluid, agender, genderqueer, bigender, gender non-conforming, gender diverse, etc.) identities. Transition: The process by which a person makes changes that reflect their gender identity and/or expression. transitioning is about making changes so that you can live in your gender identity. Transition may be from one binary gender identity to another (male to female/female to male), or might look more like achieving specific gender goals outside of the binary. It may involve a single step, or many steps over a long period of time. It is not necessary for someone to transition in any way to identify as trans, non-binary, or gender fluid.

Two-Spirit: Indigenous cultures have had specific language and terminology for gender identity, expression, and sexual orientation since time immemorial. Two-Spirit was agreed upon at the 3rd annual inter-tribal Native American/First Nations gay and lesbian gathering in Winnipeg (Manitoba) in 1990 as an umbrella term to distinguish between Indigenous and non-Indigenous experiences. Two-Spirit is a pan-Indigenous identity that is gender variant and includes the interrelatedness of all aspects of identity, including sexuality, gender, culture, community, and spirituality. It is important to note that not all Indigenous sexuality- and gender diverse people identify as Two-Spirit; individuals may identify as Indigiqueer and any other identity.

APPENDIX B: ADDITIONAL RESOURCES

Internal Resources to the Government of Canada

Canada School of Public Service Courses and Learning Products

- [2SLGBTQIA+ Inclusion Learning Path](#)
- [INC1-J09: Being a 2SLGBTQIA+ Ally (Job Aid)](#)
- [INC111: Positive Space Initiative: 2SLGBTQI+ Awareness (Course)](#)
- [INC 112: Positive Space Initiative: Becoming an Ambassador for 2SLGBTQI+ Inclusion (Course)](#)
- [INC133: Responding to Unconscious Bias (Course)](#)
- [INC1-V53: The Fruit Machine (Video)](#)
- [TRN443: Facing the Management Challenges of Difficult Behaviour and Diverse Teams (Course)](#)
- [INC118: Fostering an Inclusive Workplace (Course)](#)
- [INC1-J06: Promoting Inclusive Workplaces (Job Aid)](#)
- [TRN412: Leading Change in an Unpredictable World (Course)](#)
- [INC121: Becoming an Equity, Diversity and Inclusion Ally and Agent for Change (Course)](#)
- [INC110: Leading Diversity (Course)](#)
- [INC1-V15: EXecuTALK: Allyship and the Executive Ally (Video)](#)
- [INC1-V14: EXecuTALK: A Special Event – Building and Maintaining a Culture of Inclusion (Video)](#)

Inclusive Practices

- [Inclusive writing – Guidelines and resources](#)
- [Gender-inclusive Language in Legislative Drafting](#)
- [Inclusionary: A collection of gender-inclusive solutions](#)
- [Guide to Planning Inclusive Meetings](#)

Public Service Pride Network

- [PSPN Guide for Two-Spirit, Transgender, Non-Binary, and Gender-Diverse Employees in the Federal Public Service](#)
- [Pronoun Guide](#)

External Resources

General

- [That's Gender Dysphoria, FYI](#):

- [PFLAG Canada](#): a national charitable organization created by the parents of 2SLGBTQ+ people looking for help supporting their loved one.
- [Egale – Canada's leading organization for LGBTQI2S people and issues](#)
- [How Do I Come Out? - Egale](#)
- [Unconscious Bias in the Canadian Workplace - Egale](#)
- [Pronouns guide: Egale](#)
- [The Enchanté Network](#): a national network connecting and supporting over 200 pride centres and 2SLGBTQI+ service providers across Canada.
- [The Canadian Centre for Gender and Sexual Diversity](#): a national force and partner of choice within the movement to end discrimination.

National Support Groups

- [TransParent Canada](#)
- [Gender Creative Kids Canada](#)
- [The Canadian Centre for Gender and Sexual Diversity](#)
- [The Canadian Institute of Diversity and Inclusion](#)

Telephone Support Lines

- [Interligne](#) (open 24 hours a day) 1-888-505-1010 or 514-866-0103 (Montreal)
- [Trans LifeLine](#) 1-877-330-6366 crisis helpline by trans people for trans people
- [LGBT Youth Line](#) 1-800-268-9688 (intended for youth in Ontario)

Videos on Transgender Inclusion

- [Towards Inclusion](#), video produced by PSAC (English only)
- [Trans women tell GLAAD about their experiences in honor of Trans Day of Remembrance](#), video produced by GLAAD (English only)
- [The Indigenous Doctor Helping Trans Youth](#), produced by Thomson Reuters Foundations (English only)
- [Transgender Day of Visibility](#) – Video message from the Honourable Bardish Chagger
- Trans Day of Remembrance Infographic Text
- Trans Day of Remembrance 2020
- Between January 2008 and September 2020, 3664 murders of trans and gender-diverse people were registered worldwide."

APPENDIX C: HIRING AND ASSESSMENT CONSIDERATIONS

Provide support on accessing gender inclusive Second Language Evaluation (SLE)

Two-Spirit, transgender, non-binary and gender-diverse employees have informed the PSPN that at times they are evaluated unfairly in French Second Language Evaluations as a result of their gender identity. For instance, Two-Spirit, transgender, non-binary and gender-diverse employees have at times been marked incorrectly for using gender neutral pronouns and conjugation when they are non-binary, or being marked incorrectly if perceived as another gender by the evaluator.

Managers can assist employees by making them aware that they are able to request accommodations for French language testing. By putting in an accommodation request, the examiner will be aware that the employee may be using a different form of conjugation than they would expect.

Employees are also able to update their names after a name change with the Public Service Commission at (819) 420-6686, or email CFP.Resultats-Test-Test-Results.PSC@cfp-psc.gc

APPENDIX D: SUPPORT POST-MEDICAL TRANSITION

The PSPN is thankful and appreciative of our colleagues at ESDC who have allowed us to reproduce a portion of their Guide to Supporting Transgender and Gender Diverse Employees.

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As you will have learned in earlier sections, no two transitions look the same (available only on the ESDC intranet).

When and if transition is "complete" is up to the employee, and not something that ever needs to be disclosed unless the transitioned person feels comfortable disclosing.

Refrain from making judgments on employees' surgical status, type of surgery or surgeries, or inserting personal opinions or bias into conversations about another person's body.

Some trans people may consider themselves transitioning for the rest of their life, if their perception is that hormone replacement therapy (HRT) is a part of the process, and they will be on HRT continuously, while another may consider themselves transitioned after a legal name and gender marker change. Others may take several years, for any number of reasons, to consider themselves fully transitioned, some may have a plotted timeline that has them completing transition after two or three years. The bottom line is that this is a process that is driven by and, as much as possible, controlled by the transitioning person.

Inappropriate Conduct

It is not appropriate to ask invasive questions regarding whether or not a trans or non-binary person has completed transitioning, has "had the surgery" or is expecting to have more surgeries.
When you feel compelled to ask a question to a transgender person about their body, stop and consider the following:

1. Is the answer you are looking for something you need to know to function as their team leader, manager or co-worker?
2. Is the question driven more by your own curiosity than an explicit need to know the information?
3. Would you ask the same question to a non-trans employee? (Example: would you ask a cisgender woman if she was taking HRT after a hysterectomy?)

For many transgender individuals, quality of life improves after going through Gender Confirming Surgeries (also known as gender affirming surgery, gender reassignment surgery, and sex reassignment surgery, however this last term has fallen out of use as it is considered pathologizing/unnecessarily medicalizing). Surgical procedures are often essential for their well-

being, which helps with psychosocial functioning, stable relationships, and higher levels of contentment and happiness. That being said, not all transgender individuals are able to have gender confirming surgeries, whether for medical, financial, or other socioeconomic reasons, or for personal choice reasons. Not all transgender people go through all available surgeries, and it is important to remember that this is a personal choice for everyone.

Managers and Team Leaders can help lessen the stress caused by medical transitions by reassuring the employee that their job security is not changing due to their medical needs, and (if requested) coming up with a plan for reintegration to the workplace. It is important to note that the employee's doctor or surgeon will decide how long the employee will need to be off work.

While it is not imperative for managers to understand the mechanics of each surgery available for them to feel that their transition is complete, it is important to note that employees may need to have multiple surgeries that occur in stages. These stages are decided by the surgeon's schedule and how the employee's body is healing from stage to stage.

Some employees may require a duty to accommodate (available only on the ESDC intranet) for various reasons throughout their transition. Recovery from surgery is different for each individual, and may include recovery from travel, complications, or post-operative depression. It is important for managers to communicate with their employees and to work together with the individual to come up with the best return to work plan, whether it is immediately back to full time, or on a gradual return, and/or with accommodations. The employees' medical doctor will have the final say, together with the patient, regarding when the employee can safely return to work, and under what conditions.

Employees may require a gradual return to work (available only on the ESDC intranet), restricted duties, or some combination thereof. Managers should be in contact with their employees to ensure the most effective return to work plan is in place, in accordance with any guidelines as laid out by the employees' doctor or surgeon.

Employees should follow guidelines as laid out by the employer, to ensure that pay restarts whether they have been off on insurer approved leave, paid time off, or any other type of leave without pay (available only on the ESDC intranet), and managers also have duties including but not limited to opening an HRSC request to initiate your return to work pay transactions.

For more information on Standards of Care for transitioning employees, you may wish to consult the Canadian Professional Association for Transgender Health.

APPENDIX E: PRIVACY AND CONFIDENTIALITY CONSIDERATIONS FOR CHOSEN NAMES AND GENDER MARKERS

Two-Spirit, transgender, non-binary and gender-diverse persons have raised concerns with the PSPN around "outing" due to the public nature of their employment with the Government of Canada (i.e., service provision, GEDS) and in relation to the interconnected Human Resources, IT, and Security systems and processes that rely on an individuals personal details/information. Many of our systems are coded to hold previous identities, making it incredibly easy to find out if a person has ever gone by another name or if their gender identity differs from their sex assigned at birth. For instance, previous identities are visible when a person's name is entered into Entrust. This means that anyone employed by the Government of Canada can search for others, at any time. This has been known to put Two-Spirit, transgender, non-binary and gender diverse employees in uncomfortable and unsafe situations.

A person's gender identity, deadname(s), and medical history should be treated as private and confidential unless otherwise told by the implicated individual. The only exceptions to this is if a Two-Spirit, transgender, non-binary and gender diverse person explicitly tells you that they are okay with their previous identity or deadnames remain visible, or for legal disclosure.
The release of this information cannot be undone and may have a permanent impact on the employee. Discretion and confidentiality are thereby very important in these circumstances. Here are some best practices that managers can employ to tangibly maintain privacy and confidentiality when handling information related to an employees Two-Spirit, transgender, non-binary and gender diverse identity.

During the Hiring Process

- The legal name and sex provided by candidates on certain documents and forms required for the hiring process (like educational records and criminal record checks) may not conform to their current gender identity and chosen name.

- In cases where the legal name or past names do not correspond with the current chosen name, hiring managers should ask the candidate what name and pronouns to use during the hiring process. This includes outreach with references.

- Information regarding a candidate's gender identity, sex assigned at birth, and/or transition should remain private and confidential.

In Day-to-Day Operations

- The employee's legal name and sex assigned at birth should remain private.

- Where an employee has identified a chosen name, there should be no instances of their legal name showing publicly or generally visible within the organization (i.e., email, digital signatures (MyKey), organizational charts, etc).

- There may be situations where an employee chooses to identify differently than they normally do without notice, especially in a new or public environment. This may be due to their assessment of their safety in that situation. Managers should support the employee's decision without question and help them manage the situation. When they are in a safe environment they may choose to provide some background (or may not). For example:
    - Two-Spirit, transgender, non-binary and gender-diverse employees within field work may prefer to use their deadline and sex assigned at birth when working with the public, but revert to their chosen name and gender identity while working with direct public servant colleagues.
    - Two-Spirit, transgender, non-binary and gender-diverse employees may be "out" to their direct team but not to their broader departmental colleagues. With this, managers and teammates must be mindful when and how the employee is being discussed, and with whom.

As managers and colleagues, the most important thing to remember is to take the lead of the gender- and/or sexually-diverse employee, and allow space for them to use the name and pronouns that feel safe for them.

For more details on how to show allyship in these situations, see Section I.4 for Allyship in Action: Case Studies and Scenarios.

During a (Social or Medical) Transition

- If an employee identifies a change in their gender identity, it is important for managers to remain supportive and maintain confidentiality. An employee may come up with a solid plan to support their transition, while in the workplace, and may seek your support in in implementing this plan. For some examples of what this may look like, please see Section I.4 for Allyship in Action: Case Studies and Scenarios.

Managers should only share information about the employee's transition on a need-to-know basis and with the employee's explicit consent. This means refraining from discussing the employee's transition with anyone who does not require this information.

- For instance, if the employee chooses to change their name [using the PSPN's chosen names approach](), they should be made aware that IT and Human Resources may ask for rationale. In an ideal world, managers would not have to disclose the request rationale; though, it is in our experience (as the PSPN) that this is rarely the case. Given this reality, it is important that the manager and employee discuss how and when personal information needs to be shared, in support of the broader name change request.

APPENDIX F: JURISPRUDENCE

Bilac v. Abbey, Currie and NC Tractor Services Inc., 2023 CHRT 43

The **Bilac v. Abbey, Currie and NC Tractor Services Inc.** The tribunal found that the refusal to use the complainant's chosen name and pronouns constituted discrimination under the Canadian Human Rights Act. Such behavior was deemed a violation of the complainant's right to be treated with dignity and respect in the workplace. The tribunal recognized the significant emotional and psychological harm caused by the respondents' refusal to respect the complainant's gender identity. This harm was compounded by the hostile work environment and lack of support from the employer. The tribunal ordered the respondents to cease their discriminatory practices immediately. The employer was directed to implement policies and training programs to ensure respect for gender identity and expression. The complainant was awarded compensation for pain and suffering, as well as any lost wages resulting from the discrimination.

Broader Implications: The decision reinforces that gender identity and expression are protected grounds under the *Canadian Human Rights Act*. Discrimination based on these grounds is unlawful, and employers must take proactive steps to prevent and address such discrimination.

Ferris v. Office and Technical Employees Union, Local 15, 1999 British Columbia Human Rights Tribunal (BCHRT) 55

Leslie Ferris, a trans woman, was working as a cab dispatcher when a complaint about her using the women's washroom was made. The union was involved, and as such were obliged to invite a female union rep to a meeting, and this rep turned out to be the person who had initiated the complaint. The union then scheduled a meeting with the employer, without inviting Ferris, who was then disciplined for not attending. A decision was also made in her absence about her use of the women's washroom, regardless that a key system was in place, and refused to file a grievance on her behalf in a letter that included statements that any harm Ferris suffered was her own fault.

The court found the complaint justified and ruled that the union did not afford Ferris the same dignity and respect they would another union member, that the union had discriminated against the complainant.

[Read the full reasons for decision online](#).

XY v. Ontario (Government and Consumer Services), 2012 Human Rights Tribunal of Ontario (HRTO) 726

"The applicant contends that the requirement that she have and certify that she had "transsexual surgery" in order to obtain a birth certificate which accorded with her gender identity infringed her right to equal treatment without discrimination on the basis of sex and/or disability with respect to services contrary to s.1 and s.11 of the Code."

The tribunal ordered the respondent to stop requiring trans people to have "transsexual surgery" before being able to access a change in sex designation on their registration of birth, and that they must publicize this change.

You can also read the full decision online.

C.F. v. Alberta (Vital Statistics), 2014 Court of Queen's Bench Alberta (ABQB) 237

Respondent ordered to issue a birth certificate to C.F. which records her sex as female, and the court was satisfied that C.F.'s self-identification as female was enough to satisfy the court; that her intent to live the rest of her life as a woman was genuine.

C.F., in order to obtain a Canadian Passport, was required to show a birth certificate with the proper sex designation to match. She was not "out" to her employer, and the discriminatory effect of the Vital Statistics Alberta (VSA) birth registration system placed limitations on her mobility, more so than most Canadians, since her employer was within the USA, and she anticipated needing to travel across the border.

"When asked, at the presentation of this application, how it could possibly matter that a person born male, but who has transitioned and lives female, have a birth certificate that says they are female, Counsel for Alberta could offer no answer."

Surgery is now no longer required in order for a person born in Alberta to be issued a birth certificate with a new sex designation.

You can read the full reasons for judgment online.

Saskatchewan Human Rights v Saskatchewan, 2018 SKQB 159

Respondent in this case admits that section 31 of the *Act* discriminates against Renn Forsberg by not outlining criteria to allow for a change to her sex designation on Renn's birth certificate, that section 65 of the *act* discriminates against Lucas Dyck to the extent that it does not provide an option for Lucas to remove the sex designation from Lucas' birth certificate.

Respondent ordered to issue Lucas Dyck a birth certificate without a sex designation and create new criteria to remedy Renn Forsberg's change of designation of sex on her birth registration.

[Read the full judgment online](#).

Oger v. Whatcott (No. 7), 2019 BCHRT 58

New Democratic Party (NDP) Candidate M Oger ran in Vancouver election, William Whatcott, a self-proclaimed Christian activist, resolved to stop her being elected, and created a flyer entitled "Transgenderism vs Truth in Vancouver-False Creek" where he called her a "biological male who has renamed himself… after he embraced a transvestite lifestyle." and widely disseminated the info, estimating about 10,000 people saw the flyer. The Tribunal decided the flyer was in violation of s.7 of the BC Human Rights Code regarding "Discriminatory publication".

The tribunal ruled in favour of M Oger, ordering Whatcott to cease the contravention and refrain from committing the same/similar, pay $35K for compensation to dignity, and $20K as costs for improper conduct.

[Read the reasons for the decision online](#).