

Supporting Transgender and Gender Variant Employees Handbook

HALIFAX

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Supporting Transgender and Gender Variant Employees Handbook

This handbook expands on the *Guidelines for Supporting Transgender and Gender Variant Employees* and provides additional details and information on how to handle certain situations, terminology, policies, training and support. It is also designed to assist employees, managers/supervisors and co-workers in creating a workplace culture where transgender and gender variant employees feel safe, supported and fully included.

In accordance with the *Nova Scotia Human Rights Act*, everyone across the organization has a shared obligation to promote respect, diversity and inclusion, and a harassment-free workplace. This handbook identifies the municipality's expectations related to supporting employees based on their gender identity and expression and provides you with the resources, recommended behaviours and actions necessary to achieve this.

The municipality is committed to building a harassment-free work environment. The *Nova Scotia Human Rights Act* specifically includes the protection of transgender people from discrimination. The Act includes gender identity and gender expression as prohibited grounds of discrimination and harassment. As noted in the Guidelines, to openly discriminate, harass, or hinder the advancement of an employee based on these protected grounds can lead to discipline up to and including termination of employment. Discrimination and harassment are a violation of the municipality's *Workplace Rights Harassment Prevention Policy*.

The *Workplace Rights Harassment Prevention Policy* can be found under Human Resources at: <http://intranet.halifax.ca/Policies/policies.html>

This handbook has been designed to:

- Provide support and identify resources for transgender and gender variant employees based on their human rights, which enables the free and full expression of their identity; and,
- Improve transgender and gender variant employees' well-being, participation and productivity by creating a harassment-free and positive work environment.

This handbook is informed by the following fundamental principles:

- Protect the rights and needs of employees who are transgender and gender variant
- Self-identification is the sole determinant of an employee's gender identity
- A positive, proactive approach that promotes and protects the right of transgender and gender variant employees to be treated with dignity and respect

Research suggests that transgender and gender variant people struggle to find accommodating work environments, often experiencing harassment, mistreatment and/or discrimination on the job. This can cause individuals to hide their gender or transition from their organization, co-workers and even friends and family. It may even cause a delay in a person's desired transition.¹

¹ *Transgender People in Ontario, Canada: Statistics to Inform Human Rights Policy*;
<http://transpulseproject.ca/research/statistics-from-trans-pulse-to-inform-human-rights-policy/>

About This Resource

Language in this Document

This handbook has been created and worded with the intention of being as accurate, correct and inclusive as possible at the time of its creation. That does not mean that all terms or labels will remain correct throughout the duration of this document. The understanding of sex, sexual orientation, gender identity, and gender expression is individual, unique and constantly evolving. This ongoing evolution can create complications and difficulties when using language and terms to discuss transgender and gender variant guidelines. Careful consideration has been given when designing these guidelines to be inclusive, respectful and current. It is the understanding of the municipality that the language used in this handbook may not continue to reflect current and existing terminology at the time of reading. All reasonable efforts will be made to provide modifications to these guidelines as necessary.

Terms

The definitions below are not meant to label anyone but can be, in some instances, helpful to create some understanding of the terms so everyone can learn and use a vocabulary that is respectful. These terms have developed over time. New language and terms are constantly being designed to unite community members, allowing them to properly categorize themselves by experience, politics, and other group memberships. These terms and definitions are not global and may be used differently by different people, and in different regions.

These terms are meant to educate and are not intended as a guideline for how to refer to an individual or a group. Employees may prefer other terms to describe their own gender identity, expression and experience. Always defer to the employee for the appropriate terminology. Labels and identities shall always be selected by the individuals and never assumed or assigned by others.

Binary or Gender Binary	An imperfect system that is used for dividing sex and gender into two separate and opposite categories of male/man/masculine and female/woman/feminine. This system is not inclusive for people whose gender identity cannot be encapsulated with categories of male and female.
Cisgender	Having a gender identity that matches the sex they were assigned at birth (e.g., an individual who was assigned female at birth, and whose gender identity is female).
Cisgenderism/ Cissexism	Cisgenderism refers to the cultural and systemic ideology that denies, denigrates, or pathologizes self-identified gender identities that do not align with assigned gender at birth as well as resulting behavior, expression, and community. This ideology endorses and perpetuates the belief that cisgender identities and expression are to be valued more than transgender identities and expression and creates an inherent system of associated power and privilege (http://tsq.dukejournals.org/content/1/1-2/63.full).
Coming Out	When transgender people acknowledge and express their identity and do it openly in their personal and social lives. It is the act of disclosure to others. Coming out is a complicated, selective, and ongoing process reserved to the individual's personal experience and choice.
Discrimination	Where a person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic protected by the <i>Nova Scotia Human Rights Act</i> , that has the effect of imposing burdens, obligations or disadvantages on an individual (or a class of individuals) not imposed upon others, or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.
Diversity	A combination of differences and similarities among people. It is more than race, ability, sexual orientation, language, gender or any other descriptive category. Diversity means understanding and utilizing different views, ideas, life experiences, skills and knowledge.
Gender-Affirming Surgery	Refers to surgical procedures undergone as part of a person's transition. Not all transgender individuals will have gender-affirming surgery. Some people do not want these surgeries, others might not have access to them.

Gender Dysphoria	Negative feelings or stress that stems from some aspect of gender experience. Examples can include but are not limited to: incongruity between gender identity and sex assigned at birth, dysphoric feelings that one's body seems out of alignment with their gender identity, the feeling that other's perceptions are incongruent with one's gender identity, discrimination or treatment that is related to one's perceived or assigned gender
Gender Expression	How a person presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.
Gender Identity	This is each person's internal and individual experience of gender, i.e., their sense of being a woman, man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is distinct from, and should not be confused with, sexual orientation.
Gender Neutral/ All-Gender Washroom	Washrooms that are accessible to persons of all gender expressions/identities who prefer privacy for any reason. These facilities may or may not be accessible to persons with disabilities. Gender neutral washrooms may be marked with signage indicating they are all-gender washrooms. This signage should also indicate whether washrooms are accessible for persons with disabilities.
Gender Variant/Diverse	An umbrella term to refer to individuals whose gender expression differs from social expectation or convention. This can include but is not limited to, clothing, hairstyle, the way a person moves, or talks. The term "gender nonconforming" is also used.
Health, Safety & Wellness, Human Resources	Refers to the municipal team which is versed in both physical and psychological aspects of organizational and individual health and wellness. Their responsibilities extend from understanding functional requirements associated with specific job tasks, supporting employees who continue working during their transition, and assisting individual employees and their managers in the return-to-work process. Contact 902.490.6541.

Identified Name A transgender or gender variant individual may identify a name other than their legal name, which is more in line with their gender identity and expression. Some people may refer to their identified name as a preferred name; however, it is important to note that “preferred name” may be interpreted by some individuals to indicate that they have a preference, or choice, with respect to their gender identity.

Identified Pronoun A transgender or gender variant individual may identify with a pronoun other than the pronoun based on their sex assigned at birth and that is more in line with their gender identity and expression.

Inclusion Actions meant to eliminate existing barriers in a community and/or organization so that all members can fully participate and contribute. It means being supported and valued within the community and/or organization to which a person subscribes.

Intersex A term used to describe a person with a less common combination of chromosomes, hormones, and anatomy used to assign sex. Examples include Klinefelter Syndrome, Androgen Insensitivity Syndrome, and Congenital Adrenal Hyperplasia. Some intersex people might have internal and/or external anatomical differences; others might only have chromosomes that vary from XX and XY combinations. It is possible to be intersex and not know it. The term hermaphrodite has been applied to this community in the past and is now considered derogatory. Being intersex is not the same as being transgender, although it is possible for an intersex person to identify as transgender.

Non-Binary A form of self-identification for individuals whose gender identity falls outside the dominant male/female gender binary. There are many identities that fall under this umbrella such as, genderqueer, gender fluid, agender, and gender neutral. Each of these identities have nuanced variations that articulate the complexities of gender diversity. Some non-binary individuals reject gender completely, others see themselves as existing on a gender spectrum. Some non-binary individuals undergo hormone therapy and/or surgery, some do not. Some non-binary individuals may use male or female pronouns, or a combination of both. Others may choose to use gender-neutral pronouns such as hir/ze, or they/them.

Outing	The public reveal of a transgender/gender variant person's gender identity without their knowledge, permission, or consent. Whether intentional or not, it is the impact, not the intent, of disclosing personal information that can cause harm to that person.
Reasonable Accommodation	Human Rights legislation requires that employers have a duty to accommodate up to the point of undue hardship. Undue hardship happens when all reasonable means of accommodation have been attempted and only unreasonable or impracticable options remain, which would create a substantial and unmanageable workplace burden for the municipality, and/or when it is determined that the employee's safety would be impacted, resulting in an unsuccessful return to the workplace. Such a burden may include significant, financial, operational and/or safety considerations.
Sex Assigned at Birth	The classification of a person as male, female, or intersex at birth. This is usually done by looking at a person's genitals
Sexual Orientation	Who we are emotionally, relationally, and/or physically attracted to. A person's sexual behaviour does not necessarily determine their sexual orientation and vice versa. There are many ways of expressing identities, which have resulted in an increase in terms and language around sexual orientation. Several common sexual orientations are: lesbian, gay, bisexual, straight/heterosexual, asexual, pansexual, two spirit, and queer.
Trans or Transgender	An umbrella term referring to people whose gender identity differs from the sex they were assigned at birth.
Transition	An individual's process of aligning their gender expression with their gender identity. Everyone's transition is different. Transition can include any combination of the following, but is not limited to: changing one's name legally and/or socially; using a new pronoun; coming out to family, friends and/or co-workers; hormone therapy; gender-affirming surgery; accessing different gendered spaces; shifts in wardrobe or other means of gender expression. The choices that a person makes about their transition are personal and individual. A person's gender expression may not ultimately match the expectations of others or society and should not be required to.

Transphobia	A fear, hatred, ignorance, and/or violence towards transgender/gender variant people or those whose gender identity or expression does not conform to societal norms or expectations.
Two Spirit	An umbrella term that encompasses many diverse indigenous gender identities and sexual orientations. For some, the term implies the embodiment of both masculine and feminine spirits in the same body. Historically, two spirit people were respected and often celebrated members of their communities. However, colonization severely impacted the perception of two spirit people as it brought with it homophobic and transphobic ideologies.
Workplace	Any place occupied by an employee as part of their employment which includes, but is not limited to, lunchrooms, a client's home or work site, vehicle, training events, conferences, business travel, work-related social gatherings, or other location where an employee is engaged in any activity associated with employment.

Icons



*This icon represents information of special note for **managers and supervisors**, with relevance to all employees.*



Look for this icon for important information for all employees.

Responsibility and Accountability

This section of the handbook has been established to outline the specific duties, responsibilities and accountability of employees in the municipality.

Employees are responsible for:

- Treating all individuals with respect and dignity
- Maintaining and promoting a positive workplace that is free of harassment and discrimination
- Understanding and actively promoting the values of the municipality
- Participating in all relevant professional development opportunities

Directors, Managers and Supervisors are responsible for:

- Promoting and modelling respect and inclusion in the workplace
- Establishing a respectful and harassment-free environment for all employees
- Ensuring all employees are provided the opportunity and ability to access all relevant levels of professional development
- Taking responsibility and action to be educated in relevant subject matter (understanding gender identity/expression, awareness of legal documents, and the municipality's policies, procedures and resources)
- Taking reasonable action to address any issues that violate the *Workplace Rights Harassment Prevention Policy* and Guidelines for Supporting Transgender and Gender Variant Employees as well as any affiliated policies.

Human Resources are responsible for:

- Modelling respect and inclusion in the workplace
- Maintaining and promoting a positive workplace that is free of harassment and discrimination
- Responding to inquiries from employees and managers
- Consulting with subject matter experts to support business units and employees in creating a diverse and inclusive environment
- Developing and maintaining guidelines and/or policies and additional resources

Gender Identity and Gender Expression

This section expands on the definitions included under Terms.

Identities are experienced, interpreted and articulated in a variety of ways. Understanding the differences in each of our identities is important because it impacts when and how our identities are recognized and supported by others. We are the composition of many different elements that make us all unique.

Gender is typically misunderstood as one of two fixed options: boy/man or girl/woman. Society or culture then assigns the roles and relationships, traits, behaviours, values, power dynamics and influence appropriate for those falling within each of the two options. It is therefore typically assumed that a person's gender is based on the sex they are assigned at birth.

Gender identity is:

- The individual sense of being male, female, both, neither, or somewhere in between or beyond
- The individual experience of a person that cannot be determined by anyone else
- For many cisgender people, it is in line with their sex assigned at birth
- For transgender/gender variant individuals, it is different from the sex they were assigned at birth

Gender expression is:

- How a person presents or shows their gender to the world
- An individual experience
- Not necessarily aligned with social expectations or conventions

Following the Guidelines for Supporting Transgender and Gender Variant Employees

Like cisgender employees, transgender or gender variant employees have the right to be who they are openly. This includes expressing their gender identity without fear of unwanted consequences or harassment. All employees have the right to be treated with respect and dignity.

Every person's expression of their gender identity is different. Each employee is unique and has different needs. Supports that work for one employee cannot be assumed to work for another. It is recognized that specific supports, in addition to those outlined in this handbook, may be sought to aid an employee's full expression of their identity.



Note for Managers/Supervisors

Listen carefully to the employee's needs and concerns and work together to identify support structures and accommodations. For requests not outlined in this handbook, the employee who requests accommodation shall decide who will communicate the request; this could be the employee, manager, Human Resources, etc. Managers should encourage employees seeking accommodation to contact Human Resources Health, Safety, & Wellness at **902-490-6541**.



Privacy and Confidentiality

All employees have a right to confidentiality and privacy. This includes not disclosing an employee's transgender or gender variant identity to others, including other employees (e.g., managers/supervisors, team members) unless the employee has authorized such disclosure (e.g., to fulfill a specific request for support).

Outing someone can be considered a form of harassment. Even if the employee discusses with you their desire to disclose their transgender/gender variant identity to others, it is their decision, when, where, if and how they will do so. For example, do not send an email to all employees or make a formal announcement because a transgender employee is transitioning or has joined the workplace (unless that employee has specifically requested such communication to facilitate their process).

If it has been determined that an employee's transgender/gender variant identity must be shared, the employee must be notified prior to the information being disclosed. The employee must be informed who the information will be shared with and the purpose behind sharing this sensitive information with that individual(s).

Transgender and gender variant employees, like all employees, have the right to:

- Share, discuss, and express their gender identity and expression openly
- Decide when, with whom, and how much private and personal information they wish to share

Some individuals prefer that very few people know they are about to transition (or have transitioned) and hope that after their transition they can quietly blend in. Others are committed to educating the public about transitioning and are eager to answer questions and continue to talk openly about being transgender long after their transition. However, it should not be assumed that a transgender person wants to talk about their identity and answer questions.

It is important to keep an employee's transgender/gender variant identity confidential. **Do not:**

- Disclose their identities to others (employees, supervisors, team members, etc.)
- Send an email to all employees
- Make a formal announcement that an employee is transitioning or joined the workplace unless that employee has specifically requested such communication to contribute to their process
- Make mention of a person's gender identity in casual workplace conversation



Note for Managers/Supervisors

Due to the requirements and process of a criminal record check, an employee's current and previous legal name(s) and current and previous legal sex designation(s) may be recorded on employment-related documents. All personnel must keep this information confidential.

Medical information communicated by an employee must be treated with confidentiality.



Names and Pronouns

Transgender and gender variant employees have the right to be addressed by their identified name(s) and pronoun(s) corresponding to their gender identity. This is true regardless of whether the employee has obtained legal documentation indicating a name or sex designation change.

It is important to note that deliberately addressing an employee by the incorrect name(s) and/or pronoun(s) may be considered a form of discrimination. This does not include inadvertent slips or honest mistakes, but it does apply to the deliberate and persistent refusal to acknowledge and respect an employee's gender identity by not using the employee's identified name(s) and pronoun(s).

Some employees may not feel included in the gender binary of "he or she" and may use gender neutral pronouns (such as they, them, ze and hir). Employees may wish to be identified differently in certain settings depending on the environment and their level of comfort. Ask the employee which pronouns they should be addressed by in public settings and write in such a way as to avoid the gender binary.

When writing documents or preparing materials, keep in mind that gender pronouns like "he" or "she" are not inclusive, and stay with gender neutral terms like "the employee" or "individual" instead.

Consistently use the employee's identified name(s) and pronoun(s) in the ways they have requested. It is recognized that this can be difficult at first as most social conventions have taught us to use "he" or "she" pronouns when addressing an individual. If you find yourself slipping into the habit of using masculine or feminine pronouns when speaking to or about an employee who wishes to use gender neutral pronouns, simply apologize, recognize the mistake and make any corrections.

What pronoun do you use for a transgender person? Whatever they use for themselves.

An employee's identified name and identified pronoun (where applicable) should be used on all documentation and systems should be updated accordingly, except where records must match a person's legal name. Some areas for updating name, pronoun and gender marker include:

- Organization charts and phone directory
- Databases and mailing lists
- Employee files and paperwork
- Email address
- Identification card or access badge (new photo as requested)
- Door or desk name plates
- Website

The municipality will change an employee's legal records that are under its authority (e.g., insurance and pension documents, payroll, licenses, etc.) to reflect a change in legal name or legal sex designation upon receipt of legal documentation that such changes have been made. No records of previous name or sex are to be maintained unless required by law.

Employees who encounter difficulties concerning identification documentation, such as payroll and insurance forms, are encouraged to raise their concerns with Human Resources.

"They" is a grammatically correct gender-neutral pronoun. It has been used as a gender-neutral pronoun by Shakespeare, Oscar Wilde, and the Merriam-Webster dictionary.



Dress Guidelines

All employees have the right to dress in a manner consistent with their gender identity and in accordance with the municipality's *Workplace Professionalism Guidelines*. For more information, view *Human Resources Policies and Business Practices*: <http://intranet.halifax.ca/Policies/policies.html>.

No employee should ever be required to dress or present themselves in a stereotypically feminine or masculine way to be treated respectfully and to participate in the workplace. Employees should be free to choose which available clothing is appropriate for them.

Respecting the choices related to clothing and general appearance is an important aspect of honouring a transgender or gender variant employee's identity. Flexible and gender-neutral workplace dress guidelines ensure that employees who are not comfortable dressing in stereotypically feminine or masculine clothing will feel fully included.

At the municipality:

- All employees have the right to dress consistently with their gender identity and in line with the Workplace Professionalism Guidelines.
- No employee shall ever be required to dress or present themselves in a stereotypically feminine or masculine way to be treated respectfully.
- No employee shall be required to choose between "male" and "female" clothing.



Work Life and Social Events

Employees have a right to participate safely and fully in all aspects of work life, including social events, in accordance with their gender identity. All employees should be able to participate in work related social events.

- When planning and executing events/activities, consider who in the group may be impacted and in which ways.
- When planning work or social events offsite, access to an all-gender washroom should be considered.
- Avoid activities that are based on or segregated by gender. Requiring participation based on an employee's sex assigned at birth or status of medical transition is prohibited.

For example, a baby shower is being planned for a cisgender female co-worker in the staff room at lunch. Invites are sent only to cisgender women on the team. A gender variant team member who does not identify within the gender binary is not invited. Additionally, there are some cisgender men on the team who would have joined had they been invited.

Every employee has the right to participate in all work-related activities in ways that are safe, comfortable and consistent with their gender identity. Requiring participation based on an employee's sex assigned at birth or status of transition is prohibited.

In the example above, baby and bridal showers are sometimes planned for a co-worker. Invites should not be gender specific; they should be inclusive of everyone in the work place. All employees should be able to participate in work events.

Inclusion creates a healthier workplace



Gender-Specific Work Assignments

Where gender-specific work assignment or duties exist, employees will be assigned in ways they feel safe and comfortable and, if requested by the employee, are consistent with their gender identity.

- In rare instances, there may be a need to assign work on a gender-specific basis (i.e., a female lifeguard supervising a female-only swim). Placing a transgender or gender variant employee in a gender-specific assignment or requiring them to perform gender-specific duties should be informed by the employee's comfort/safety level and, if requested by the employee, correspond to their gender identity regardless of their sex assigned at birth.
- Requiring medical transition or providing "proof" of the employee's gender identity (by requiring a doctor's letter, identity documents, etc.) to be eligible for gender-specific assignments or duties is not acceptable.
- Limiting gender-specific assignments or duties of transgender or gender variant employees is not acceptable unless requested by the employee based on their safety/comfort.
- Limiting or modifying the duties of transgender or gender variant employees based on concerns from the public or coworkers is not acceptable unless requested by the employee based on their safety/comfort (e.g., having a public serving employee perform internal office duties due to concerns from a member of the public; shifting an employee from one project to another due to concerns from coworkers).



Washrooms and Change Rooms

All employees have a right to safe washroom and change facilities. All employees have the right to use facilities that they are comfortable using and that correspond to their gender identity, regardless of their sex assigned at birth.

- No single solution will work for every work site; however, all work sites will find solutions that are safe, accessible and respectful to transgender employees.
- Where possible, an easily accessible², all-gender washroom will be provided for use by any employee who desires increased privacy, regardless of the underlying reason (e.g., medical, religious, cultural, gender identity, gender expression, etc.)
- It is important that the use of an all-gender washroom is a matter of choice for an employee and not a result of continuing harassment and discrimination in a gender-appropriate facility. If possible, more than one all-gender washroom is encouraged.

When accessing gender-specific facilities, an employee does not need permission to use the washroom that aligns with their gender identity.

Where there are concerns or uncertainty, contact Human Resources. Contact information is located in the Resource section at the end of this handbook.

It is inappropriate to tell someone that they are not allowed in a male- or female-only washroom based on their physical appearance.

The municipality grants unrestricted washroom access and use according to an employee's gender identity. As noted above, although no single solution will work for every worksite, all worksites are committed to finding solutions that are safe, convenient and respectful of transgender/gender variant employees. Consideration should be given to any circumstance where a washroom can be made into an all-gender washroom.

Telling a transgender or gender variant individual that they are unwelcome in the washroom they have selected is unacceptable, discriminatory, and can lead to discipline.

² Accessible refers to a non-stigmatizing location within the workplace and the process to access, as well as physically accessible for people with accessibility concerns (e.g. wheelchair accessible).



Note for Managers/Supervisors

It is recommended that management work with transgender and gender variant employees to create a practical solution to washroom access issues.

If concerns are raised:

- Listen to the needs and issues of the employee
- Work together to identify supports
- Assess requests on a case-by-case basis and individualize to best meet the needs of the employee making the request

Non-binary individuals may not feel comfortable accessing a space that is categorized as “male” or “female” as it does not align with their identity and it is not appropriate to tell them which washroom or change room they should use. Neither is it appropriate to segregate them by forcing them to use an all-gender washroom (if available to them). When supporting a non-binary employee, the best practice is to allow them to use the washroom they feel most comfortable using.

It is important that the use of an all-gender washroom is a matter of choice for an employee and not a result of continuing harassment and discrimination. If possible, more than one all-gender washroom is encouraged.

Often, employees will cite fear of violence as a reason for their discomfort; it is important to note that it is the transgender or gender variant employee who most often experiences violence in washrooms and change rooms.³

³ *Transgender People in Ontario, Canada: Statistics to Inform Human Rights Policy*; <http://transpulseproject.ca/research/statistics-from-trans-pulse-to-inform-human-rights-policy/>

Providing Support to a Transitioning Employee

This section is designed to outline some general steps that can support a transgender employee during their on-the-job transition. Remember, this handbook is general and all steps/procedures must be individualized as the needs of each transitioning employee may be different.

Protocols that outline the responsibilities and expectations of transitioning employees and management are established to properly manage this situation so that everyone — from the employee to their supervisor and that person's co-workers — are prepared and confident during this period.

The on-the-job transition process is led by the employee.

Requests for Support

Each transitioning employee is unique and there is no single way to address every situation.

If a transitioning employee is requesting support, the process will be:

- Unique, collaborative and led by the employee;
- Specific to each employee, their needs, their position and their work environment;
- Initiated by the employee, and the specific supports identified and requested, by the employee;
- Ongoing, communicative and consultative between the employee and their preferred person of contact (supervisor/manager, Human Resources, etc.)
- Designed to reach reasonable solutions that respect and support the full inclusion of the employee at work.

The employee may identify specific supports to enable their full expression of their identity and/or to protect their safety. If the employee requires support to fully participate at work, they need to inform their preferred person of contact to enable the appropriate supports to be put into place.



Note for Managers/Supervisors

Do not assume that supports are wanted and/or needed by an employee. All supports should be identified and implemented with the employee's expressed permission, consent or request.

Listen to the employee's needs and concerns and work together to identify the solution. The employee shall be informed about:

- Who may be able to respond to their request
- Who will communicate the request to Human Resources (provided the employee still wants to move forward after learning about which parties will be informed)

Requests are to be managed on a case-by-case basis and individualized to best meet the needs of the employee making the request. If an issue arises due to a transitioning employee's full participation at work, the issue should be resolved in a manner that involves the employee in the decision-making process.

Reasonable accommodation, maximizing inclusiveness and addressing the best interests of the employee, are the foundation for collaborative decision-making.

Documents and Records

The municipality must have a valid reason for collecting and using personal information that identifies a person's gender. If this information is collected, it must be kept completely confidential. Employees can have their name or sex designation changed on identity documents and other records. The criteria and process for this change will not be intrusive or medically based.

The municipality will not require gender-affirming surgery or other medical treatments (like hormone therapy) to change the employee's name and/or gender in any official municipal documentation. A person's self-identification is the only measure of their gender identity.

If it is necessary to have a section on any form, document or record for the identification of a person's gender, where possible, ensure it is inclusive and not restricted to just male and female checkboxes, e.g., male, female, non-binary, identity not listed, etc.



Note for Managers/Supervisors

If an employee informs you of their intent to transition, or if an employee is currently undergoing the transition process, your support is critical. It may be threatening and/or frightening to an employee to be vulnerable to a person upon whom their job depends. It is your responsibility to educate yourself, as well as listen to the employee who may wish to share their own personal experience.

When you are informed, you should do the following:

- Thank the employee for sharing;
- Make it perfectly clear that the conversation is private and confidential;
- Listen to their needs and concerns;
- Ask for their suggestions on how you can support them;
- Offer a copy of this handbook if they don't already have one; and,
- Assure them they are covered under prohibited grounds of discrimination in the *Nova Scotia Human Rights Act* and under the *Workplace Rights Harassment Prevention Policy*.



Note for Managers/Supervisors (Continued)

Successful support of an employee's transition depends crucially on taking into account the individual's views on how to proceed. Sensitive and considerate discussions can identify and resolve potential areas of difficulty and conflict before they happen. Here are some key elements to consider:

- The anticipated time the employee would like to start using a new name in the workplace
- Whether the employee requires any accommodation
- Anticipation of time off for medical appointments, treatments and surgical procedures and the handling of these absences, if this is part of the employee's plans
- Adjustments to records and systems to change personal details
- When and how colleagues should be informed (this is up to the employee and they should decide who performs this task)
- How to handle any harassment or discrimination (refer to the *Workplace Rights Harassment Prevention Policy*)

If the employee requests it, supervisors should be prepared to communicate to all employees about the transition. The employee can determine how they would like this information to be communicated (e.g., email, face-to-face meeting with all employees, a combination, etc.). If there is a face-to-face meeting, the employee will choose whether to be personally present in the meeting, depending on their comfort level.

It is important in any communication to make it clear that the employee has full support of management. Communicate the expectation that the employee will be treated with the respect and dignity that they deserve and in accordance with the outlined supports the employee has requested (e.g., announcement of new name, pronoun, etc.).

If the transitioning employee has decided that they wish to have their transition communicated to their co-workers, there may be some concerns brought forward by the employee. A lack of knowledge about gender identity/expression has the potential for creating misunderstandings and tension in the workplace. Managers should remind all employees that they are expected to conduct themselves in accordance with legislation and policies in place.

It is important to regularly check in with the transitioning employee, especially during the beginning of the process, when they may be most vulnerable.



Note for Managers/Supervisors (Continued)

Employees who raise concerns about a transgender co-worker should be referred to the *Nova Scotia Human Rights Act, Workplace Rights Harassment Prevention Policy*, as well as to this handbook. They should be informed that they must work cooperatively and respectfully with their co-workers regardless of their gender identity/expression, and that failure to do so could result in discipline under the *Harassment Prevention Policy*.

Because we are a large organization, there can be no single formula for supporting transitioning employees in the workplace. Not only does it vary by individual but it can vary by work environment. The type of work force, the nature of the work being done, the amount of interaction the employee has with peers and customers, the surrounding culture, all have an impact on how transitions are handled.

Performance Issues

Some transitioning employees may experience gender dysphoria, which can be associated with depression and increased stress. Dysphoria can be heightened in an environment that is not inclusive. The *Guidelines for Supporting Transgender and Gender Variant Employees* and this handbook are designed to reduce and hopefully eliminate the amount of dysphoria that a transitioning employee experiences at work. However, it is important to be sensitive to the stresses that a transitioning employee may be experiencing. It is likewise important not to assume that depression or stress is necessarily being caused by a person's transition, as a transgender employee could be experiencing depression or stress for any number of reasons, just as any other employee might.



Note for Managers/Supervisors

Absences related to transition should generally be discounted in considering the performance of the employee. In addition, any required changes in performance objectives should be incorporated as part of the transition support plan.

Temporary or full-time work reassignment can be considered in cases where it appears the individual is no longer capable of performing key aspects of their duties. Managers and supervisors must not seek to prescribe a change of duties on the individual. This should be made as a suggestion to the employee. An employee should never be made to feel as if a job transition is a punishment for their transition.

Managers and supervisors should seek assistance and advice from Human Resources Health, Safety, & Wellness before making any decisions about adjustments and/or redeployment.

Returning to Work After Surgery

For those who choose gender-affirming surgery, recovery can take upward of three months; although it is worth noting there is a small possibility, as there is with any major surgery, that complications may result in a longer absence from work.

Adjustments may be required when a transitioning employee returns to work. These adjustments will depend on the nature of the job tasks. Many employees will not have a problem with a return to full-time duties following a period of recovery but there could be medical reasons why this is not appropriate. Have a conversation, if you are comfortable, with Human Resources Health, Safety, & Wellness staff (for Police contact the Disability Case Management Coordinator for HRP) about accommodations when returning to work.



Note for Managers/Supervisors

Workplace Readiness Plan

When an employee who has been off work due to gender-affirming surgery is preparing to return to work, it is the duty of the employer and the manager to create and execute a workplace readiness plan. This plan will be designed to ensure that everything in their work place is ready to accommodate the transitioning employee. These accommodations must be created in line with the specific wishes of that employee.

Perform the following steps for the workplace readiness plan:

- Meet with the employee who is anticipating time off for gender-affirming surgery;
- Outline any concerns they have about returning to work following their medical leave;
- Develop reasonable accommodations to address those concerns;
- Implement the readiness plan action items before the employee returns to work; and,
- Have a conversation with the employee immediately before their return date and inform them of the status of all action items.

Health and Medical Information

Most information about benefits and health insurance coverages will depend on the transitioning employee's work unit, whether they are unionized, which union they are with (if unionized), and the details under their collective agreement. It will also depend on if they opted into any benefits plan. Some positions, term contracts, etc. do not offer benefits plans.

In Nova Scotia, some aspects of gender-affirming surgery may be covered under MSI. There are forms and approval processes to determine eligibility. Information can be found on the government of Nova Scotia's website and by following this link: <http://novascotia.ca/dhw/sex-reassignment-surgery/>

Counselling may also be something that an individual may seek. If the employee has medical benefits, there is coverage for a clinical psychologist. It is important for the employee to check their benefits information for available support and coverages. The Employee and Family Assistance Program may be able to offer counselling support as well. The objective of the Employee and Family Assistance Program is to offer professional assistance that is confidential, neutral, and voluntary to employees and their family members to assist them in dealing with personal and/or work-related issues. Many situations can affect employee relationships, health and, in some cases, work performance. It is important to offer assistance to employees facing these situations and encourage them to seek help voluntarily at the earliest stage to minimize any adverse effects on their work and personal life.

Employees Planning a Transition at Work

This section of the handbook is intended to provide information to employees planning a transition in the workplace. All guidelines outlined above still apply. Below is a series of options and areas for consideration.

All employees have the right to privacy and confidentiality related to their identity and experience. To access various supports as outlined in this handbook, an employee may need to disclose some aspects of their identity/experience to enable the municipality to create an environment that is respectful (e.g., creating a new email address that reflects a name change).

During your transition, you can anticipate support from the organization and management team. They are there to assist and offer support and direction during this period. An employee-driven collaborative approach will be used to ensure the best possible outcome for the employee. All items in this handbook can be discussed for further detail or clarity.

Communication is important. It is recommended, but not required, for the employee to have an initial meeting with someone with whom they feel comfortable about their intention to transition. This meeting is an opportunity to identify concerns and supports required to facilitate a successful transition in the workplace. It is important at some point that an immediate supervisor joins the conversation. Another person can be present for that conversation if the employee so prefers. The transitioning employee can choose when or how to communicate with their supervisor.

If, as a transitioning employee, you are unsure about which person in the organization to contact for support before, or during your transition at work and are not comfortable speaking initially with your manager/supervisor, you may wish to contact HR's Health, Safety, & Wellness team to speak confidentially about your situation, plans, desires, and needs during this time.

If you have chosen a date to move forward with specific elements of your transition, such as using a new name or pronoun, it is recommended that you make this contact well before a planned transition date to ensure that relevant systems and documentation can be available in a timely fashion.

Communicating with Managers/Supervisors

There are a number of ways to communicate to managers/supervisors. It is up to you how it is done, by whom, and when.

Ensuring successful support of an employee's transition depends crucially on taking their views into account, as well as their needs and desires on how to proceed. Sensitive and considerate discussions can identify and resolve potential areas of difficulty before they arise.

Here are some key elements to consider addressing with your supervisor if, and when you are ready:

- The anticipated time of name change, personal details and gender expression
- Whether you wish to request any workplace accommodation
- Anticipation of time off for medical appointments, and surgical procedures and the handling of these absences
- Amendments to records and systems to change personal details
- When and how colleagues should be informed (this is up to you and you can decide who, if anyone, performs this task)
- How to handle any harassment or discrimination (refer to the *Workplace Rights: Anti-Harassment Policy*)

Information on how to proceed should always be tailored in consultation with your needs; this handbook is not meant to be a broad stroke approach for every transitioning employee.

Handling Customers

Transgender and gender variant employees who deal with customers are held to the same appearance and behaviour standards as all other employees. Serving clients is no reason to deny a transgender or gender variant individual the right to dress and express their gender in a way that corresponds to their gender identity and in alignment with the municipality's *Workplace Professionalism Guidelines*.



Note for Managers/Supervisors

Communicating with clients may require difficult conversations, so a meeting should be scheduled with the employee to clarify how certain situations should be handled and further meetings offered for support of situations that may arise along the way.

Inform employees that, when dealing with a difficult customer, they need to:

- Remain respectful, even when the customer is not.
- Let the customer know that they are not required to assist them if they continue with a pattern of disrespectful, harassing or discriminatory behaviours.
- Ask for assistance.
- When possible, remove themselves from the situation with the customer.

Managers should take all reasonable steps to protect employees from harassment and discrimination.

Recruitment and Interviews

The recruitment and interview process shall not be affected by an individual's gender history, gender identity and/or gender expression.

It should not be expected that applicants and interviewees for employment will disclose their gender history. It is not a relevant aspect for selection of a position and it is not a question that should be asked or hinted to during the recruitment or interview process.

Halifax Regional Municipality is committed to reflecting the community it serves. All recruitment and interview processes will be done in accordance with the municipality's hiring business practice which can be found in the HR Policies and Business Practices Manual at:

<http://insidehrm/BusinessUnits/HumanResources/Documents/HRPoliciesandBusinessPractices.pdf>



Note for Managers/Supervisors

If the individual has chosen to self-identify:

- Their gender identity and legal sex is confidential and protected under the municipality's *Privacy Policy*.
- This information will not be made available to any staff other than those handling the self-identification documentation.
- Have a discussion with the successful applicant to decide who, if anyone, the employee wants to be informed.
- Disclosure of self-identification is not a valid reason for not offering employment.
- Non-disclosure or subsequent disclosure is not grounds for termination or dismissal.

Transition is a private health matter and health matters should not be discussed as part of the recruitment process.



Note for Managers/Supervisors (Continued)

It is important to note that the name and sex provided by an applicant may correspond with their gender identity; however, educational documents, background/criminal record checks, references, etc. may reveal a previous name or legal sex designation that is different from the application. In these cases, the recruitment team should respectfully ask whether the applicant was previously known by a different name and confirm with the applicant the name and pronoun that shall be used throughout the duration of the recruitment process. All questions about a person's previous name or legal sex designation should be handled delicately. Transgender people are often treated with suspicion in relation to incongruous documents which can be upsetting. If possible, avoid saying a person's previous name. For example, rather than asking out loud if it is correct that the name "Jim" appears on a criminal record check, simply ask if the person has ever had another legal name. Another alternative is simply showing someone a document and asking them to confirm that it corresponds with their application.

If a member of the recruitment and selection committee has any questions about the employee's identity or qualifications, they should contact the appropriate Human Resources staff member.

Guidance for Co-Workers

Gender identity and gender expression have been included in the *Nova Scotia Human Rights Act* as prohibited grounds for discrimination and harassment. To openly discriminate, harass or hinder the advancement of an employee based on these protected grounds can lead to discipline. Discrimination and harassment on protected grounds is a strict violation of the municipality's *Workplace Rights Harassment Prevention Policy*.

If working with a transgender/gender variant employee is difficult for another employee and/or makes them uncomfortable, it is important for them to raise their concerns to their manager/supervisor or Human Resources staff rather than speaking directly with the transgender/gender variant employee. Education and resources can be made available. Any employee can make a request for additional training if they feel that they need refreshment or a supplement to the training they may have already received. It is not the responsibility of the transgender/gender variant employee to educate anyone about appropriate and respectful conduct. Some transgender/gender variant employees might feel comfortable contributing to workplace education, but this should not be assumed or expected.

At minimum, no employee can discriminate, harass or hinder an employee based on their gender identity and/or gender expression. All employees **must**:

- Refer to co-workers by their identified name; and,
- Use their identified pronouns — only referring to them in ways that correspond with their gender identity.

To deny co-workers this right is disrespectful and is a violation of the *Nova Scotia Human Rights Act* and the *Workplace Rights Harassment Prevention Policy*. Mistakes do happen, however. If during the employee's transition, or after their transition, you use the wrong name, pronoun, or gender, apologize and correct yourself.

Training

The municipality incorporates gender identity and gender expression into diversity training programs. This training is designed to educate employees on diversity and inclusion. The goal of this training is to be proactive instead of reactive. The training would not be given to employees because of an employee transitioning. It is not designed solely to provide insight on transgender/gender variant issues but also to emphasize workplace fairness to employees from all backgrounds. Training on gender identity and gender expression would be delivered as a subsection of the overall diversity training program.

The municipality also offers training expressly to support and educate employees in transgender and gender variant issues. Whenever possible, these sessions will be led by transgender community members with experience providing education on these issues and emphasize lived experiences of transgender and gender variant people in the workplace. Other training may also help support employees. Please visit the corporate training catalogue at:

<http://intranet.halifax.ca/BusinessUnits/HumanResources/TrainingDevelopment.html>

Resources

- Nova Scotia Human Rights Commission
 - Know Your Rights (<https://humanrights.novascotia.ca/content/know-your-human-rights>)
 - Nova Scotia Human Rights Act (<http://nslegislature.ca/legc/statutes/human%20rights.pdf>)
- Bill No. 140 Transgendered Persons Protection Act
(http://nslegislature.ca/legc/bills/61st_4th/1st_read/b140.htm)
- Workplace Rights Harassment Prevention Policy
(http://insidehrm/businessunits/HumanResources/Documents/WPR_anti-harassment_07.pdf)
- Workplace Professionalism Guidelines
(<http://insidehrm/BusinessUnits/HumanResources/Documents/HRPoliciesandBusinessPractices.pdf>)
- Human Resources Contacts
(<http://intranet.halifax.ca/BusinessUnits/HumanResources/ContactUs.html>):
 - Human Resources Business Partners (HRBP's); if you do not know who your business unit's assigned HRBP is, please call 490.4266 to inquire.
 - Human Resources Health, Safety & Wellness: 902.490.6541
- Diversity & Inclusion Office 902.490.3677
- *Making a Difference: Our Values, Behaviours and Conduct in the Workplace*
- Privacy Policy
(<http://intranet.halifax.ca/BusinessUnits/AccessAndPrivacy/Documents/PrivacyPolicyCAOApproved.pdf>)
- Nova Scotia Rainbow Action Project (<http://nsrap.ca/>)
- Government of Nova Scotia's Sex Reassignment Surgery (<http://novascotia.ca/dhw/sex-reassignment-surgery/>)
- Employee & Family Assistance Program (EFAP)
(<http://intranet.halifax.ca/BusinessUnits/HumanResources/HealthWellnessEFAP.html>)
 - Homewood Health (<http://www.homewoodhealth.com/corporate>) 466-EFAP (3327) or 1-800-663-1142
- Halifax Regional Police Family Assistance Program: EFAP Coordinator - 902-490-5414
- Halifax Fire & Emergency Family Assistance Program: 902-490-6271
- Human Resources Learning and Development (including training catalogue)
<http://intranet.halifax.ca/BusinessUnits/HumanResources/TrainingDevelopment.html>

References

- Guidelines to Support Trans and Gender Variant Employees (2016), Province of Nova Scotia
(http://novascotia.ca/psc/pdf/employeeCentre/diverseworkforce/Supporting_TGV_Employees.pdf)
- Guidelines for Supporting Transgender and Gender-non-confirming Students (2014). Department of Education and Early Childhood Development, Province of Nova Scotia.
(https://studentservices.ednet.ns.ca/sites/default/files/Guidelines%20for%20Supporting%20Transgender%20Students_0.pdf)
- Toronto District School Board (2013). TDSB guidelines for the accommodation of transgender and gender non-confirming students and staff.
(http://www.tdsb.on.ca/Portals/0/aboutus/innovation/docs/tdsb%20transgender%20accommodation%20final_1_.pdf)
- Canadian Labour Congress (2010). Workers in Transition: A Practical Guide about Gender Transition for Union Representatives.