



SUPPORT FOR TRANS EMPLOYEES:

A Guide for Employees and Managers

Support for trans employees:

A guide for employees and managers

On this page

- Support for trans employees 1**
- A guide for employees and managers 2**
 - Acknowledgement4
 - Foreword from our diversity champions4
 - Disclaimers and notes5
 - Introduction6
 - Purpose6
 - The story of Eve, a federal public service employee7
 - Roles.....10
 - Deputy heads 10
 - Managers 10
 - Employees 11
 - Unions 11
 - Human Resources 11
- Considerations and issues 11**
 - Privacy 11
 - Names and pronouns 12
 - Dress codes 12
 - Uniforms..... 13
 - Work assignments and duties 13
 - Washrooms and changing facilities 14
 - The story of Ben, a retired federal public service employee14
- Transitioning process at work..... 16**
 - Getting started 16
 - Informing management 16
 - Informing colleagues 17
 - Time of transition 17
 - After transition 18

Changing name and gender identity.....	18
Birth certificates and name changes.....	18
Changing name or gender marker for human resources / compensation	19
Changing email address	20
Medical aspects to consider	20
Voice Therapy	20
Hormone replacement therapy	21
Taking leave	22
Conclusion.....	23
Annex A: Terminology.....	23
Annex B: Gender transition template	25
Annex C: Sample letter to colleagues	27
Annex D: Federal legislation	28
The Charter of Rights and Freedoms	28
The Canadian Human Rights Act.....	28
The Privacy Act.....	28
Annex E: Jurisprudence	29
Ferris versus Office and Technical Employees Union, Local 15 (available in English only).....	29
M.L. and Commission des droits de la personne et des droits de la jeunesse du Québec contre Maison des jeunes	30
Sheridan versus Sanctuary Investments Ltd. (available in English only)	30
Montreuil versus National Bank of Canada	30
Kimberly Nixon versus Vancouver Rape Relief Society.....	30
Hogan, Stonehouse, AB and McDonald versus Her Majesty the Queen in Right of Ontario as represented by the Minister of Health and Long-Term Care	31
A.B. versus Minister of Transportation and Minister of Government Services	31
CF versus Alberta (available in English only).....	32
XY versus Ontario (Minister of Government and Consumer Services), [2012] OHRTD No 715 (available in English only)	32
Vancouver Rape Relief versus British Columbia Human Rights (available in English only)	32
Kavanagh versus Canada (Attorney General), [2001] CHRD No. 21	34
Annex F: Lesbian, gay, bisexual, transgendered, questioning, two-spirited+ history in Canada and the federal public service	34
Annex G: Resources	35
References	37

Acknowledgement

Many thanks to all who worked on this guide to create an inclusive, safe and respectful workplace.

This guide was created by a working group:

Paul Beaudry, Office of Workplace Conflict Management, Public Services and Procurement Canada

Heni Nadel, Employee and Organization Assistance Program, Public Services and Procurement Canada

Jennifer Touhey, Labour Relations, Public Services and Procurement Canada

Geneviève Francoeur, Disability Management Program, Public Services and Procurement Canada

Shelley Adams, Employment Equity and Diversity, Public Services and Procurement Canada

Kara Lafleur, Employment Equity and Diversity, Public Services and Procurement Canada

Marylaine Choquette, Employment Equity and Diversity, Public Services and Procurement Canada

Vanessa Hermans, Employment Equity and Diversity, Public Services and Procurement Canada

Christine Forgrave, PRIDE at Work Network, Public Services and Procurement Canada

André Proulx, PRIDE at Work Network, Public Services and Procurement Canada

Gordon Bulmer, Professional Institute of the Public Service of Canada (PIPSC)

Representative, Public Services and Procurement Canada

Lori Walton, Government Services Union (GSU) Representative, Public Services and Procurement Canada

Assia Turenne, Canadian Association of Professional Employees (CAPE) Representative, Public Services and Procurement Canada

Mia Sigouin, Shared Travel Services, Public Services and Procurement Canada

Emmanuelle Gallays, Public Affairs, Public Services and Procurement Canada

Kate Hart, Passport Canada

Foreword from our diversity champions

As Public Services and Procurement Canada (PSPC) diversity co-champions, we are proud to introduce Support for Trans Employees: A Guide for Employees and Managers. We strongly believe in a workplace that reflects our values and ethics: treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

We support the expected behaviours:

- treating every person with respect and fairness
- valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce
- helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination
- working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication

We are fortunate to have a vibrant PRIDE at Work Network in our department that has done much to raise awareness of the lesbian, gay, bisexual, transgender, queer, and two-spirited (LGBTQ2+) communities at work over the past few years. However, the process of transitioning to a new gender identity is an area that we have not focused on sufficiently in the past. It is our hope that this guide will provide some useful information to help our employees and their managers during the process to ensure a healthy and safe workplace based on respect.

For those of you who are transitioning to a new gender identity, we offer you our support and best wishes. To the managers who are assisting their employees throughout their transition, we thank you.

Alfred MacLeod
Assistant Deputy Minister, Canada Post Corporation Review

Randal Cripps
Regional Director General, Western Region

Disclaimers and notes

- This document is **for PSPC use only**
- This is only a guide and an effort to describe a good practice, not binding on anyone and should not be taken as legal advice
- None of the recommendations in this document should be confused with medical advice; please seek advice from your physician or health practitioner for any medical concerns
- PSPC is not responsible for any third party opinions referenced in this guide

Evergreen document

Due to the anticipated evolution of current law around gender issues, these guidelines will be reviewed within one year, as necessary.

Language

Please keep in mind that vocabulary and definitions are continuously evolving. While consideration has been given throughout these guidelines to ensure they are respectful and inclusive, it is understood that language may have evolved since the creation of this document. Therefore, some of the language may not reflect current terminology at the time of reading.

Definitions and terminology provided in this guide are not meant to label individuals, but rather to assist employees and managers understand some of the terminology they may come across when working with individuals who are transgender or going through a transition. It is important that individuals can tell us what words they would like used for them and their circumstance. This fosters respect in the workplace.

Additional information will be provided on “inclusive language”. PSPC is making a conscious effort to be mindful to use inclusive language in all of our internal and external communications. Inclusive language avoids reinforcing stereotypes and assumptions of gender of people who perform various roles.

Introduction

If you are transgender, have a transgender colleague or employee or care about ensuring an open, diverse and supportive workplace at PSPC, where every PSPC employee feels valued, respected and understood, this guide was designed for you. I am of the opinion that all PSPC employees would benefit from reading this guide. It is comprehensive, thorough, powerful and written from a diverse and well-rounded working group.

Christine Forgrave
Chair of the PSPC PRIDE at Work Network

Purpose

PSPC is committed to equitable employment practices that support participation by all. As such, the purpose of this guide is to provide a safe, respectful and inclusive work environment for all employees, including trans and gender variant employees. At PSPC, employees and managers have a shared obligation to promote the dignity, respect and equity of trans and gender variant employees by following these guidelines.

One of PSPC’s core values is treating colleagues and employees with respect. Reactions by colleagues and managers can have a great impact on the success of their transitioning. The objectives of these guidelines are to:

- communicate information and best practices in cases of gender transition
- define norms of appropriate conduct of employees
- provide a list of resources

The story of Eve, a federal public service employee

To set the tone for the context of the creation of this guide, the following story is an inspirational, personal account of a PSPC employee who has kindly shared her journey. This type of sharing takes courage and will certainly be helpful for those who may have similar paths in their future.

“Hi

My name is Eve, but when I was born they named me Nicolas. Although I have nothing against the name, the problem is that it's a boy's name and I am not a boy, I'm a girl.

So why did my parents give me that name, well.....my body was that of a baby boy's, but my brain was that of a baby girl. My parents had no way of knowing this of course.

Now I'm 36 years old and have been living this way all my life. Wait let me rephrase, I have been trying to survive living this way all my life.

The reason why I say survive is because I feel like I never lived before. I was simply going through life depressed, unhappy, sad, and unfulfilled and just waiting for the day it would all end.

For as long as I can remember, which would be my first clear memories of my past around the age of 2 or 3, I've looked at myself and thought about who I was and who I was not. What I was seeing in the mirror and what people were seeing was not even close to who I felt I was inside.

Here is a little bit of context.

At age 5, I slowly started to realize that I would never be happy in life because I was in the wrong body. Nothing made sense, and it was around that age that I started telling my parents that I wished I would never have been born. I didn't choose to be born and I was frustrated and unhappy but mostly I was scared of what life was going to be like. At an age when most kids were playing with toys and making friends and having no thoughts of introspection, I was already trying to figure out how I was going to manage living like this, living in the wrong body.

At age 8, my parents sent me to see a psychologist to treat my depression. Back then, I thought I was alone in the world and that there was no one else like this. There was no way I was going to tell anyone that I was really a girl! They would clearly tell my parents that I had some deep mental problem and I didn't want to be different, I simply wanted to be me.

Age 14 to15

Internet!!! The first time I was alone in front a computer with internet access, I started searching to see if there were people like me. Back then, often the picture of transgender people was not very flattering. I started to let my hair grow, and considered telling someone, anyone, because who didn't matter at that time. I believed that whoever I told, they would eventually tell someone else and that my secret would eventually be known by everyone at which point I would need to transition. But then what? Would I need to leave school? Would we need to move to another city?

I remember sitting in class and looking at my friends and wondering what would they think? Would they start talking behind my back? Absolutely they would and worse yet, I knew no one would want to be friends with me anymore. I would be completely alone. Then there were the bullies. Surely I would be a victim of bullies as I had been in elementary school when I really didn't fit in. Back then I couldn't play with girls because I wasn't one. As for the boys, well they ran after me to beat me up. At least I learned to run really fast.

In high school I was afraid to tell anyone. I started thinking about how everyone would react. My friends and my teachers, my parents, sister and my sister's friend, people at the grocery store, my aunts and uncles, people I knew and even the people I didn't know that I met on the street. I decided that I simply could not do it even though I knew others were doing it. At the time I simply didn't have the courage. I felt that I was the "problem". That everyone else was "normal" but I was not. And I decided that happiness was simply something I would never be blessed with. That decision haunted me for the next 20 years, as things just got worse.

The weekly suicidal thoughts I was having at the age of 6 or 7 were now daily thoughts. I even kept a rope attached to the ceiling in the basement of my parent's home so that, should I ever get up the courage to do it, everything would be ready. But that courage never came and to this day I wonder if it was really because I didn't have the courage to take my own life or if it was because I still had a glimmer of hope in my heart that one day I might find happiness?

Age 16: Anxiety and high blood pressure begin.

Age 18: I start taking anti-depressants.

Ages 19 to 30 were the most horrible years of my life.

Ages 31 to 34: I meet my wife, and spent those years with the most wonderful person in the world. I had everything I thought I needed to be happy but happiness still eluded me because I was still living a lie.

Age 35: My blood pressure was now averaging 185 over 112, the highest it had ever been. I was burnt out and depressed. For the first time I realized that I would not have to kill myself after all simply because the stress and anxiety I had been living with all my life was slowly killing me. It was then that I realized that I only had one choice left. I had to find the courage to transition.

I took four months off work. During that time I contemplated the idea of quitting the job I loved because I couldn't bear the thought of telling my coworkers. The reality is, however, that transitioning is expensive even if you have insurance coverage and I really needed this job.

During those four months, I ran thousands of scenarios through my head imagining how people would react. From coworkers to the commissionaires downstairs to the guy at the convenience store, just like I did in high school. The difference was that this time I decided to take a leap of faith and return to work and tell them all who I really am.

I wanted to give you the context of my life before coming out as transgender so you can understand what happened next. Life is not easy when you live in a body that doesn't fit who you are. I can assure you that any employee starting a transition has done everything they can to fight this feeling at the cost of their own happiness, but the reality is that you cannot be anything other than who you really are. It never goes away and it does not fade with time.

When I met with my manager to tell her what I was doing and the reason why I was doing it she simply understood and didn't judge me. She did everything she could in order to support me and was respectful in every possible way. Without her initial reaction and her continued support, I would not be writing this and most probably would not be working for the Government of Canada. She changed my perspective on a lot of things. She made a difference in my life and because of that I hope I can help others the way she helped me.

The coworkers and managers that I feared so much, turned out to be the biggest allies I could ask for in the most challenging time of my life. I was saving my own life by finally admitting who I really was but to do so took a huge amount of courage and faith that I would be accepted by my co-workers. To my amazement and relief they not only accepted it but they embraced it. They understood how important this was to me and decided to support me and walk with me through this adventure. Each and every one of them made a difference in my life. This is something I will never forget and will cherish for the rest of my life.

Transitioning is far from easy. The employee doing the transition won't have the approval of everyone around them, whether it's family, friends or even society to some extent. But coworkers can make the workplace a safe place for them. A place where they feel respected, understood and often the only place where they can feel truly comfortable.

Managers should take time to discuss with their employee how they want to proceed with the various steps involved in the transition. It is important to let the employee decide how and when they want to do things. Remember this is an exciting time for the employee transitioning, a time where they will finally become the person they truly are but they must be the ones to decide how this unfolds.

Some advice for an employee considering transitioning:

I personally decided to be upfront with my coworkers and my managers and I decided to tell them shortly after starting hormone treatment. I simply wanted them to know right away so I would feel comfortable taking any further steps when I felt like it. This is not the only

way to “come out” at work and I’m sure other ways work just as well, but for me, telling my coworkers right away was important for two reasons.

The first one is that I simply could not lie anymore about who I was and I didn’t want them to be left wondering once the changes start showing. The second reason was because I knew the journey wasn’t going to be easy and I wanted to know who my allies were in my workplace.

I was pleasantly surprised by everyone’s reaction. It went a thousand time better than I imagined. Some were interested in the scientific aspect of changes, others were simply happy for me. It’s not every day that someone has the opportunity to meet a person who redefines themselves right before their eyes.

As far as daily life goes, smile!!! No one can deny you anything when they start seeing a better version of you. Start taking steps when you feel ready and be proud of yourself for being so courageous and know that I am proud of you too. The road ahead will not be easy. There will be ups and downs but in the end it will all be worth it. Cherish every single moment of your transition, but most of all be happy because life can bring you a lot of amazing things when you actually feel like your living for the first time.

Now when I close my eyes, I smile. I smile because I know the next time I open them my soul and my reflection will finally be one.”

Roles

The roles and responsibilities of everyone involved in the transition process.

Deputy heads

Deputy heads are responsible for championing and modeling respect for human rights and establishing a respectful environment for all employees that affirms the value of diversity and inclusion in the workplace. They are expected to demonstrate leadership and commitment by holding management at all levels accountable for a workplace free of harassment, discrimination and violence.

Managers

Managers are expected to communicate openly, respectfully and honestly with employees using various tools and focusing on face-to-face communication. They provide opportunities for employees to respectfully express their views. Managers demonstrate leadership that inspires, motivates and supports employees. They nurture diversity and an inclusive and respectful work environment free of harassment, discrimination and violence. They support employees’ personal goals and work-life balance without jeopardizing organizational and operational requirements and performance. They ensure the health and safety at work of every employee and foster a culture of well-being based on human rights.

Employees

Employees are responsible for supporting the creation of a healthy and safe work environment that promotes individual and organizational well-being. They are expected to carry out their work in a way that respects human rights and values diversity.

Unionsⁱ

Unions are accountable to defend the rights of trans members and ensure they have the support they need before, during and after they transition. The union will strive to ensure that the employee is accommodated with respect to medical leave, proper and appropriate facilities, documentation/identification changes, and benefit coverage.

The union has a duty to hold management accountable for a harassment-free workplace and to social justiceⁱⁱ. Together the employer, the union and the employee will work to resolve any issues that arise during transition.

Human Resources

As part of PSPC's commitment to diversity and inclusion in the workplace, the entire Human Resources Branch has come together to offer seamless advice in support of this guide – whether it is part of Wellness, Diversity and Employment Equity, Wellness, Labour relations, Employee and Organization Assistance Program (EAOP) etc.

Considerations and issuesⁱⁱⁱ

Things to consider in the transition process.

Privacy

Disclosing a person's trans status can expose them to discrimination and violence and for some people can endanger their lives. Beyond the legal duty, there is an enhanced moral duty to protect this information for this reason. It is therefore important to keep an employee's trans/gender variant identity confidential by not disclosing it to others (such as human resource professionals, supervisors, team members), unless the employee has authorized such disclosure in writing (in accordance with the Privacy Act) (for example to fulfill a specific request for support). If it is determined that an employee's trans/gender variant identity must be shared, the employee must be notified prior to the information being disclosed, except in rare circumstances (for example, in legal proceedings).

In some exceptional circumstances where an employee's identity must be disclosed, the employee should be told with whom the information will be shared and for what purposes. Due to some hiring requirements and processes (for example, criminal record check) a trans or gender variant applicant's/employee's current and previous legal name(s) and current and previous legal sex designation(s) may be recorded on employment-related documents. Additionally, an employee may provide information regarding a legal name or sex designation change or may provide related health information. This information is confidential and should be protected in the same way as other sensitive personal

information the employer holds with respect to its employees. This information should only be disclosed on a need-to-know basis; an employee's previous name or sex designation will rarely be relevant to current workplace issues. The employer must adopt practices to avoid the inadvertent disclosure of such confidential information, consistent with its practices for protecting other sensitive personal information.

Names and pronouns

Consistently use employees' identified name(s) and pronoun(s) in ways they have requested. An employee's identified name(s) and identified pronoun(s) should be used in all communication and records; except where records must match a person's legal name. Systems should be updated accordingly. Some areas for updating with identified name, pronoun, and gender marker include organization charts, phone directory databases, mailing lists, schedules, employee personnel records, email address, identification card or access badge (as well as new photo if requested), door or desk name plates, and websites. The employer will change an employee's personnel records (such as insurance and pension documents, payroll, and licenses) to reflect a change in legal name or legal sex designation upon receipt of legal documentation that such changes have been made.

Note: pay cheques may still need to be issued in a person's old name, as banks don't allow people to use a non-legal name

For hiring managers: the name and sex provided by a job applicant may correspond with the applicant's gender identity; however, educational documents, background/criminal record checks, references, etc., may disclose a previous name or legal sex designation that differs from the applicant's application. In such cases, hiring managers should respectfully ask whether the applicant was previously known by a different name, and confirm with the applicant the name and pronoun that should be used throughout the hiring process. This information will be considered confidential to protect the applicant. If the hiring manager still has questions about the employee's identity or qualifications, consult the appropriate human resources professional.

Dress codes

Expectations around employee dress and appearance should be flexible and not gender-specific. Employees, regardless of whether they have indicated that they identify as trans or gender variant, should be able to dress in a manner consistent with their gender identity. No employee should be required to dress or present themselves in a stereotypically feminine or masculine way in order to be treated respectfully. Requiring employees to choose between "men's" and "women's" clothing is not appropriate.

PSPC has the right to regulate employee appearance in the workplace for reasonable business purposes. A transgender employee is permitted to dress consistently with their gender identity and is required to comply with the same standards of dress and appearance that apply to all other people in the workplace.

Uniforms

Allow workers in transition to dress consistently with their gender identity, and they should simply be required to comply with the same standards of dress/appearance as any other worker.

The decision on when and how to begin dressing according to gender identity should be made by the worker, preferably with notice given to the employer and union to ensure that the worker is protected from any negativity that could arise.

If there are uniforms worn in the workplace, and if uniforms are gendered (if there is a men's uniform and a women's uniform), then the worker should be provided with 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.

The employer should allow some flexibility in dress code to accommodate the transitioning process – for example, a worker transitioning from male to female may prefer to wear the standard 'female' blouse with their men's workpants – either temporarily or permanently.

Practical details, such as who pays for uniforms, should be dealt with according to the usual policy on similar issues (for example during pregnancy).

As a general rule, uniform policies should give employees real choices that they feel comfortable with (gender neutral and appropriate in fit).

Work assignments and duties

Where gender-specific work assignments or duties exist, employees should be assigned to duties and participate 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 (for example in correctional services with offender body search processes). Managers who are placing a trans or gender variant employee in a gender-specific assignment or requiring them to perform gender-specific duties should consider 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 trans or gender variant employees is not acceptable unless requested by the employee based on their safety/comfort.

Limiting or modifying the duties of trans or gender variant employees based on discriminatory concerns from the public or coworkers is not appropriate.

Washrooms and changing facilities

Employees should be able to access and utilize facilities that they are comfortable using and that correspond to their gender identity. For example requiring a trans or gender variant employee to use the facilities that correspond to the employee's sex assigned at birth, status of medical transition, or to "prove" their gender identity (by requiring a doctor's letter, identity documents) is not appropriate.

It is important to remember that the use of an all-gender washroom is a matter of personal choice and employees should not have to face added harassment when using a gender-specific facility. If possible, more than one all-gender washroom is encouraged.

The story of Ben, a retired federal public service employee

Coming out as trans in the workplace.

I knew that I had to do something about my gender dysphoria.

I was in my mid-30s and had been married for about 13 years, when I knew that I had to do something about my gender dysphoria. I'd known I was trans from about the age of 6, and ignoring it wasn't working anymore. I was lucky in that I had a supportive partner and I worked for a small, community based organization and my colleagues were LGBTQ positive, and for the most part, open-minded.

I was a project manager, so I approached my transition in the same way I'd successfully approached new initiatives in the past. I was also lucky in that I'd worked as a sexual health and HIV/AIDS educator, so was comfortable talking about many topics that are uncomfortable for lots of people.

When I decided to transition, I scheduled a meeting with my boss. I decided I wouldn't come out as trans to the people in my life until I decided to transition. And even though I desperately wanted and needed to transition, I first read everything I could find about what options were available, the potential outcomes, and other people's experiences.

One of the drivers of the medical component of transition is an international Standards of Care (SoC), developed by the World Professional Association for Transgender Health, which guides medical professionals. Many physicians, endocrinologists, surgeons, and mental health practitioners require that these SoC be followed by trans patients who want to transition.

When I decided I would take hormones and undergo some surgical procedures, I scheduled a meeting with my boss to let him know. I'm a very private person and prefer to keep much of my personal life separate from my work life, so meeting with my boss to reveal such an intimate issue was foreign and nerve wracking for me. I knew what I wanted to say, and had

prepared myself for the questions he might ask. It helped a lot that we both burst out laughing when I told him “I’m transgendered” and he thought I had already transitioned (I wasn’t especially feminine, so I couldn’t blame him for believing that). That broke the ice and we were able to relax into a conversation and talk about how I could be accommodated; we also sketched out a plan that included me facilitating a mandatory Trans 101 training session for staff (it was something I really wanted to do). We agreed that I’d write something for the organization’s newsletter, that he’d inform the Board of Directors, and that I’d inform him in advance of my surgery dates and anticipated sick leave requirements.

I wanted to facilitate the training session because I figured that if my colleagues knew what to expect, there would be fewer surprises and less awkwardness, so it would be easier on me and less disruptive for the organization. I encouraged them to ask whatever they wanted and let them know that I’d not answer questions that I was uncomfortable with or preferred not to – sharing my experience of transitioning didn’t mean that I would share every detail.

It was important to me that they understood that transitioning is a complex process (social, psychological, medical and legal) that takes time – it doesn’t happen overnight, is different for each person and there are many unknowns. I gave a presentation that included providing resources, showed a video, shared my experience of being trans; I talked about changes to expect over the next weeks and months, such as in my appearance (clothing, hair), my chosen name – and that I’d let them know when I wanted them to start using it, as well as male pronouns. I also told the men in the group that when I was ready I’d start using the men’s washroom, and that I’d give them a couple of weeks’ notice so we could address any issues they might have in advance.

My transition at work couldn’t have gone better.

My boss and colleagues were supportive, respectful and compassionate. I really appreciated that when I asked them, they used my chosen name and pronouns. They didn’t always get them right, but it was clear that they were trying! I can’t emphasize enough how important it was for them to respect my need to be treated like any other man, even though early on, I didn’t yet look like one.

I was involved as much as I wanted to be in: communicating my transition to the organization’s staff, clients, and volunteers; and in opportunities to help educate them. I was given the lead, so the timing of my trans-related changes made within the organization was up to me.

Transition doesn’t happen overnight.

So the process of transitioning takes time. The length of time between informing my boss and having my last surgery as an employee of that organization was a couple of years. In that period I legally changed my name, went on hormones, had surgery, legally changed my gender and had more surgery.

If you’re in public and you meet a stranger and you can’t figure out their gender, proceed as follows:

1. Don’t worry about it! (quote found on the Internet)

Transitioning process at work^{iv}

Aspects of the transitioning process at work.

Getting started

It is up to the employee to decide when they are ready to inform people at work about their transition to a new gender identity. (see [Annex B: gender transition template](#))

Who the employee tells first will usually depend on their individual circumstances, but they may choose their supervisor, manager, or a colleague. However, they could decide to confide in the PRIDE at Work Network, a union representative, or a counsellor in the Employee and Organization Assistance Program (EOAP). Regardless of who the employee contacts, all are bound to keep the information confidential, unless otherwise directed by the transitioning employee.

The employee should feel supported and be confident in knowing that discrimination or harassment of trans employees will not be tolerated. Managers should ensure that the employee and their teammates have access to EOAP counsellors, training and/or awareness sessions to ensure there is no harassment or discrimination towards the trans employee.

In most cases, this will be the first time that the manager has encountered this situation, and they too will need to be supported by the organization and reassured that they are following the correct procedures to ensure their employee's transition is successful in the workplace.

Informing management

A successful transition at work will depend on close collaboration between the employee and the manager. The employee is the best resource for information to develop a transition plan. The plan may need to be modified as the process continues, but honest communication and involvement of key resources within the department will help to ensure a successful transition.

Any transition plan may include the following:

- the anticipated date for the change of name, personal details and social gender
- an anticipated date for medical appointments, treatments and surgical procedures and the type of leave to use
- when to notify the pay and benefits section of the name change with legal documents, such as a new birth certificate
- when to notify security for a new identity card and security clearance, if needed
- when and how colleagues should be informed
 - o the employee should decide who tells them
 - o also consider if gender identity issues training is needed
- how to handle any harassment or hostile reaction

- to take into consideration any Duty to Accommodate (DTA) measures that may need to be implemented

The employee may not know all of the details from the outset, particularly the nature and progress of medical treatment. A sample [gender transition template](#) is provided in Annex B. The template can be used as a guideline for the use of the individual undergoing gender reassignment, in conjunction with their manager if they so wish.

The use of this checklist is optional, and the level of detail entered should be a matter for the employee to decide. The employee and manager may use it as a guide to the possible steps the transition may take, and may decide to complete it together as the employee's plans for transition arise. It is recommended that managers not impose the use of the checklist on an individual nor use it to dictate the pace of the transition process. Managers should also remember that the information contained in the document is of a confidential nature.

Managers must also respect the confidential nature of new hires who may have already transitioned to their new gender identity before being hired. They must be especially careful when carrying out reference and background checks since they may need to refer to the person's previous gender identity.

Informing colleagues

The employee, with the support and guidance of the manager, should determine the best communication approach to be used in the workplace. Factors that may be considered include size and type of workplace. For example, in a shift work environment it may be necessary to meet with each group of shift workers separately, or for small work groups, face-to-face communication may be the best form of communication. For larger teams, email may be more suitable. Email also allows for return messages of support, which can be greatly appreciated by the employee. An example of an [email to colleagues](#) can be found in Annex C.

Keep in mind that a decision will have to be made on how broadly the information is disseminated in order to mitigate the effects of office gossip. There should be an agreement between the employee and management on who will disseminate the information. In either case, all parties will need to be informed about all of the details on when and how the information will be shared.

Overall, it is recommended to try to strike a balance between those who need to know or should know versus unnecessarily making the transitioning employee feel they are now in the public eye.

Time of transition

During their transition, some transitioning employees may take some time off work, for a variety of reasons, prior to returning from their transition. Planning is essential to ensure a good start for the employee's return to work. Some will be happy to take the initiative and others shy to do so, so managers should collaborate with the employee to devise the

return to work plan that they are comfortable with. For example some employees may benefit from being accompanied on arrival at work by a particular friend and/or colleagues to make things easier. Advance communications to colleagues in the workplace can do much to help prepare for the first day back to work. It is important to remember that people's reactions cannot be known so managers should monitor how things are going. The goal should be that the return to work gives the employee a feeling of respect and confidence in their future in the workplace.

For advice and guidance on the absence from work and the return to work process, please contact the Disability Management Program, see [Annex G: Resources](#).

After transition

Monitoring the environment after the employee has transitioned is good managerial practice and it is important to handle any issues immediately. The transitioned employee may be reluctant to mention a problem encountered. Not all individuals possess sufficient self-confidence and interpersonal skills to challenge adversity alone at this point, and they will need support from their managers, colleagues, friends and family.

An occasional check in the early days just to see how things are going may identify any issues, including any overlooked in the pre-transition preparation. The manager who is alert to workplace reaction and not ignorant of gossip concerning the trans person may find it easier to deal with it in the beginning, which will also prevent any bullying and harassment as time passes.

Changing one's gender role is not an overnight occurrence, and can be a long and complex process. The transitioned employee may find themselves experiencing a myriad of emotions, from joy to frustration, and it is important that they find themselves in a workplace that is supportive and inclusive, and that they know where to seek help when needed.

Changing name and gender identity

It is important to recognize that some workers may not be able to change their identity documents legally. This may be because they are born in a jurisdiction that does not allow a change at all, or which requires proof of gender-affirming surgery which is difficult to access, inappropriate or unavailable for many trans people. This underlines the employers' obligation to use a person's name without requiring a legal name change or any changed identity documents.

Birth certificates and name changes

The following table provides a link to the vital statistics services site for each province and territory as well as a direct link, if available, to change the gender on a birth certificate, and a link for legal name changes.

Legal name change and birth certificate change by province

Provincial or Territorial vital statistics website	Change gender on birth certificate	Legal name change
Alberta	No	Yes
British Columbia	Yes	Yes
Manitoba	Yes	Yes
New Brunswick	No	Yes
Newfoundland and Labrador	Yes	Yes
Nova Scotia	Yes	Yes
Northwest Territories	No	Yes
Nunavut	No	No
Ontario	Yes	Yes
Prince Edward Island	No	Yes
Quebec	Yes	Yes
Saskatchewan	Yes	Yes
Yukon	No	Yes

Changing name or gender marker for human resources / compensation

When requesting a name change for human resources and compensation purposes, you must first change your name in MYGCHR. An HR professional will need to verify any supporting documentation.

At this point in time, changing the gender marker is not available through self-service in MYGCHR. This change must be requested by contacting an HR professional directly and providing supporting documentation. Upon review, this information will be updated in MYGCHR accordingly. For now, administrative changes related to gender are to be sent to the RH Express / HR Express (TPSGC/PWGSC) TPSGC.RHExpress-HRExpress.PWGSC@tpsgc-pwgsc.gc.ca email account.

In addition, you will be required to send a written notification to the Pay Centre indicating your change of name or gender marker change. You should also notify the Pension Centre of any changes (such as name and/or gender marker), as well as your insurance providers for the Dental Care Plan, Public Service Health Care Plan or the Public Service Management Insurance Plan. The new birth certificate is required in order to have your name and gender changed for pay purposes.

It is important that Compensation Services is made aware of the change in gender, as certain insurances, such as the Public Service Management Insurance Plan (PSMIP), have rates which are calculated based on gender.

Changing email address

Changing your email at PSPC is relatively simple. Go to the front page of the Source and type your name in "Find an employee". This will take you to the Departmental Directory Service (DDS). On the left side there is a menu. Click on "log in" and enter your username (your current email address) and your password (the same one that is used for the ELF application). Follow the instructions to make a change request to change your email address and submit it.

Medical aspects to consider

Some medical aspects in the transition process.

Voice Therapy

Speech/Voice therapy is usually undergone by MTF (Male-to-Female) individuals transitioning in order to acquire a more feminine voice. These therapies are typically conducted by a voice therapist or a speech pathologist and usually occur closer to the starting date of transition/"real time experience". Through weekly or bi-weekly hour-long sessions and daily voice exercises in the morning and evening, the individual will work on intonations, raising the pitch of their voice and perfecting nuances. For many trans women, speech therapy is one of the most taxing and difficult processes involved in the transition. The process involves dedication and commitment, and can be both physically and mentally exhausting.

Due to the practicing frequency and the type of exercise, the individual going through this type of therapy should refrain from speaking for extended periods of time in order to prevent strain on the vocal cords. The individual undergoing this process will eventually start using and maintaining their new voice in the work environment. This complex process can take a significant amount of time, and cannot be achieved overnight. Coworkers should be advised of this transition in advance in order to promote a safe, understanding, and respectful environment for the transitioning employee.

If the individual is not satisfied with the end result of the therapy, vocal surgery can be undergone. Depending on the type of surgery, the individual may be required to refrain from speaking for many weeks in order to properly heal the vocal cords.

Eve's experience

“Personally I find voice therapy one of the most exhausting and scariest parts of the transition.

I remember my first appointment with my voice therapist. The appointment was 2 hours long. The first hour was pretty much an assessment of my current voice. On one hand she wanted to hear if my vocal cords were healthy enough to take on the exercises and on the other hand she wanted to get an idea of my current pitch and discuss where she would eventually bring it. The second hour was mostly the beginning of the exercises. I remember coming back to work after those 2 hours and being totally exhausted. Good thing that it got better with time.

As for work, it might be different for others but for me even though everyone was aware of me transitioning, I was scared like crazy. I just didn't want to get laughed at. The thing is that in order to achieve the best possible results you need to slowly start integrating it into your daily life, which involves work. That means that you slowly start to practice at work. The ultimate goal is to reprogram your brain to use your vocal cords in a different way than it was previously trained. And you cannot do that by switching back and forth all the time.”

Hormone replacement therapy

Hormone Replacement Therapy (HRT) will play an important role in the individual's transition in order for them to acquire an appearance closer to their gender identity. For FTM (Female-to-Male), the treatment will consist of taking male hormones (testosterone). For MTF (Male-to-Female) the treatment will consist of taking female hormones (estrogen) often accompanied by a testosterone blocker. In some cases progesterone can also be prescribed to aid in this process. Depending on the age of the individual transitioning, the method of hormone administration can vary. Individuals undergoing HRT will, over time, start to experience feminizing or masculinizing effects. Some of these effects will begin to take effect within months, but most will take years to fully complete. Although many transgender individuals have claimed to have experienced psychological changes, no documented medical research supports this theory.

The effects from testosterone HRT (FTM) that could be noticeable to coworkers include:

- deepening of the voice
- increase in body mass (musculature) and strength
- increase in body and facial hair
- change in body fat distribution to a more masculine pattern
- skin appears thicker and rougher

The effects of estrogen HRT (MTF) that could be noticeable to coworkers:

- breast development
- decrease in body mass (musculature) and strength
- decrease in body hair
- softer, clearer, smoother skin
- change in body fat distribution to a more feminine pattern

Eve's experience

“The day I actually got my hormones was probably the most exciting day of my life. It meant the beginning of becoming who I truly am.

In no way is HRT easy, at least it wasn't for me. For the first year I was completely emotionally unstable. My range of emotions changed completely. One minute I could be the happiest person on earth, and the next one I could be crying for no reason. On top of that, I had excessive sweating which I was told was due to the hormonal changes happening in my body. I also had numerous episodes of doubt towards my own changes. Am I changing? Why am I not changing? Something's wrong, it's not going to work on me. Is this supposed to take this long? Followed by episodes of 'I'm definitely changing, Am I not? Hey you! Do you see any changes? You're sure—you're not just telling me that to make me happy? All that to say that I was all over the place physically and emotionally, which is not always easy to manage in a work environment. What helped me was that my manager and coworkers understood that it was not always going to be rainbows and butterflies.

But with all of that nonsense that I was going through in my head, one thing remained: I was slowly starting to be happy on more days than before. I started smiling more; life got better, it got easier.

One friend asked me once how I felt with the many changes happening to my body. He asked me if it felt weird or different to experience these changes. I told him no, it simply finally feels normal.”

Taking leave

In the core public administration, it is the practice for the employer to grant paid time off, for up to half a day, for persons to attend their own personal medical and dental appointments without charge to their leave credits in cases of routine, periodic check-ups. When a series of continuing medical or dental appointments are necessary for treatment of a particular condition, persons with the delegated authority ensure that absences are to be charged to the person's sick leave credits.

Other leave options can be found in the relevant collective agreement. Leave options may be either with or without pay. For more information on which leave to use, contact your Labour Relations advisor. For information on longer absences (for example more than 10 days), contact the Disability Management Program (see [Annex G: Resources](#)).

Leave for medical/professional appointments before, during and after the transition process should be requested through MyGCHR.

Leave usage will be unique to each case. It is important that the manager and employee discuss which leave is needed for each step in the process, whether it is time off for appointments, surgery, or convalescence.

There is not one gender-affirming surgery. Some people may require several visits to various out-of-province surgical centres. Currently, there is only one clinic in Montreal that performs genital surgery for trans people in the entire country. Some procedures occur in several stages with recovery intervals in between. Revisions may be required, and the convalescence time varies from procedure to procedure and from person to person. Some employees may also require chest reconstruction and facial procedures, which can usually be done in a person's home province. Electrolysis, counselling and other recurring care may also be required.

Conclusion

This guide was developed with the well-being of the transitioning person, the colleagues, the manager and the organization in mind. It is through collaboration, discussion and mutual understanding that any and all challenges can be resolved. In the end what counts is that we take care of each other.

PSPC is committed to keeping this guide evergreen and will provide updates on a yearly basis. We are keeping in touch with colleagues across the federal government and in other jurisdictions and hope to obtain the latest information and lessons learned. We also hope to solicit our own employee's feedback on the guide and endeavour to keep it current and progressive.

Annex A: Terminology

Definitions and terminology provided in this guide are not meant to label individuals, but rather to assist employees and managers in understanding some of the terminology they may come across when working with individuals who are transgender or going through a transition. It is important that individuals can tell us what words they would like used for them and their circumstance. This fosters respect in the workplace.

PSPC is making a conscious effort to be mindful to use inclusive language in all of our internal and external communications. Inclusive language avoids reinforcing stereotypes and assumptions of gender of people who perform various roles.

Cisgender^v: Having a gender identity that is congruent with one's biological sex (for example both biological sex and gender identity are female).

Coming out^{vi}: (1) The process through which trans people acknowledge and express their identities and integrate this knowledge into their personal, social, and professional lives; (2) The act of disclosure to others, as in, “I just came out to my parents.” Coming out is a complex, selective, and ongoing process.

Gender: Consists of two related aspects; gender identity : A person’s internal perception and experience of their gender; gender expression: The way a person behaves and lives in society and interacts with others, based on their gender identity, to live within the binary gender role (male or female) recognized by society. Acquired gender is used to describe the person’s gender role after their transition.

Gender affirming surgeries: Medical procedures that alter primary and secondary sexual characteristics to more closely align with a person's felt gender. Not all trans people seek surgery.

Gender dysphoria: The discomfort experienced when a person’s sense of being a man or a woman (their gender identity) is inconsistent with the physical appearance of the body. In its persistent form, this is known as transsexualism and is a recognised medical condition.

Gender expression^{vii}: Everything that we do to communicate our sex/gender to others. For example, the type of clothing we wear, our hair styles, mannerisms, the way we speak, the roles we take in interactions, etc. Gender expression is a continuum, with feminine at one end and masculine at the other. In between are gender expressions that are androgynous (neither masculine nor feminine) and those that combine elements of the two.

Gender identity^{viii}: How people think of themselves and identify in terms of sex (man, woman, boy, girl). Gender identity is a psychological quality. Self-identification is the best practice and requiring medical or psychiatric proof is wrong.

Sex^{ix}: Biological attributes and legal categories used to classify humans as male, female, intersex or other categories, primarily associated with physical and physiological features including chromosomes, genetic expression, hormone levels and function, and reproductive/sexual anatomy.

Sexual Orientation^x: Patterns of emotional, romantic, and/or sexual attractions to groups of people (for example, men, women, trans people), a person’s sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions; for example pansexual, bisexual, LGB, heterosexual.

While^{xi} “sexual orientation” refers to whether a person is attracted to men, women or both, gender identity concerns a person’s internal sense of being male or female. A transgender person is not comfortable with or rejects their biologically and socially assigned gender identity. A transgender person may be gay, lesbian, bisexual or heterosexual; there is no direct connection between gender identity and sexual orientation.

Trans (transgender, transsexual)^{xii}: An umbrella term that describes a wide range of people whose gender and/or gender expression differ from their assigned sex and/or the societal and cultural expectations of their assigned sex; includes people who are

androgynous, agender, bigender, butch, Coercively Assigned Female at Birth, Coercively Assigned Male at Birth, cross-dresser, drag king, drag queen, femme, FTM, gender creative, gender fluid, gender non-conforming, genderqueer, gender variant, MTF, pangender, questioning, trans, trans man, trans woman, transfeminine, transgender, transmasculine, transsexual, and two-spirit.

Transition^{xiii}: The process of living more fully in one's felt gender. This can include surgical transition and social transition. Trans people may transition in a number of ways and it is important to remember that not all trans people want or need surgery, but all transition socially in some way.

Transsexual^{xiv}: Someone whose gender identity is not the same as their birth biological sex (see below for definitions of biological sex and gender identity). Trans people may, through surgeries and hormone treatments, transition male to female or female to male. While there are no accurate statistics, it is estimated that 1 in 11,900 males and 1 in 30,400 females identify as transsexual. These stats likely underrepresent the number of transsexual individuals, since so many keep their identities secret.

MTF/FTM (male to female/female to male)^{xv}: The short-form indicating transition—MTF is someone who was born male and is transitioning to female. FTM is someone who was born female and is transitioning to male.

Two-Spirit (2-Spirit or 2S)^{xvi}: Term used within some Indigenous communities, encompassing sexual, gender, cultural, and/or spiritual identity. This umbrella term was created in the English language to reflect complex Indigenous understandings of gender and sexuality and the long history of sexual and gender diversity in Indigenous cultures. This term may refer to cross, multiple, and/or non-binary gender roles; non-heterosexual identities; and a range of cultural identities, roles, and practices embodied by Two Spirit peoples.

Annex B: Gender transition template

This table is a tool to help an employee plan their transition process at work. Its use is optional.

Gender transition template

Stage in transition process	What, who, how	When
1. Telling people about your situation. Who have you told? Supervisor Union representative Human Resources:		

**Stage in transition
process**

What, who, how

When

- Employee Organization and Assistance Program
- Disability Management Program
- Employment Equity/Diversity
- Director of HR (Regions) PRIDE at Work Network Close colleagues

2.Planning your gender reassignment:

Your new name
Your office
Name of manager
Name of confidential contact
Medical advisor's name and phone number

3.Telling your colleagues what is going on

Tell people face to face, individually, or in groups
Ask your manager to tell people for you
Use photos
Pass on your news in other ways
Have awareness sessions
Answer questions

4.Getting ready for your return to work

When will it be?
Do you need a change of role?
Are you ready?
Is your wardrobe ready?
Are your colleagues ready?
Can you get into work ok?

5.Records management

Pay Centre
(Phoenix)

Stage in transition process

What, who, how

When

NOTE: you will need to have your new birth certificate in order to have your name and gender changed for pay purposes.

Sunlife insurance (health)

Great West Life insurance (dental)

Your work identity card and photo

Your name:

- Do your colleagues know it?
- Departmental Directory Services (DDS)
- Government Electronic Directory Services (GEDS)
- Telephone lists
- Letter templates

Your travel (bus/subway) pass and photo

What else?

6. Medical leave

Medical Leave

First appointment

Second

appointment

Etc.

Date

Return to work

Annex C: Sample letter to colleagues

The following is an example of a letter from a manager to the employees, informing them of a colleague’s transition and return to the workplace. A trans employee may prefer to write the letter themselves.

Dear colleagues,

I write to inform you that Janine Thompson (formerly John) will be returning to work with us after a brief medical absence. Please use Janine's name and feminine pronouns for her (she, her, hers). Janine will be using the women’s washrooms and the women’s changing room at shift change from now on, and her name will appear on all schedules. She will be [new work assignment if any].

Janine has a right to a harassment-free workplace, and [Department] and [union] are jointly committed to supporting her in this.

Should you have questions, please direct them to manager A.

Please join us in making her feel welcome.

Annex D: Federal legislation^{xvii}

Legislation related to transgender issues.

The Charter of Rights and Freedoms

<http://laws-lois.justice.gc.ca/eng/const/page-15.html>

Section 15(1) 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 Canadian Human Rights Act

<http://laws-lois.justice.gc.ca/eng/acts/h-6/>

The Canadian Human Rights Act (CHRA) requires federal government departments and federally regulated organizations to provide workplace accommodation to anyone protected by the law unless doing so would result in undue hardship. This is commonly referred to as the “duty to accommodate” and is detailed in sections 2 to 15 of the Act^{xviii}. Section 7 states: “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.”

This Act protects and provides equal opportunity to individuals who may be victims of discriminatory practices based on 13 prohibited 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.”

The Privacy Act

<http://laws-lois.justice.gc.ca/eng/acts/p-21/>

The purpose of this Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information.

Annex E: Jurisprudence^{xix}

The following are examples of Canadian court decisions involving transgender issues.

Some information is available in one language only (English or French) and jurisprudence cited may use initials only to protect the individual's right to privacy.

Ferris versus Office and Technical Employees Union, Local 15 (available in English only)

[\(1999\) 36 CHRR D/329 \(BC Human Rights Tribunal\)](#)

A human rights complaint was made by Leslie Ferris regarding her treatment as a transsexual at work. In particular her complaint was about the union's handling of a complaint about her use of the women's washroom. The BC Human Rights Tribunal found the union did not adequately represent Ms. Ferris and ordered the Union to pay damages including \$5,000 for injury to Ms. Ferris's dignity.

Ms. Ferris is a trans woman with 20 years' service at her place of employment. She had not had genital surgery at the time of the human rights complaint. A complaint was made by a co-worker about "a man using the women's washroom". The union failed to consult with Ms. Ferris and failed to properly investigate the situation.

At the hearing into her Human Rights Complaint, Ms. Ferris's doctor testified about the impact on a trans woman of being challenged as not truly a woman. She said that such challenges are distressing. They lead to feelings of humiliation and shame, as well as anger. They are embarrassing.

In the doctor's view, it is best to try to discuss issues that arise about transsexual people in the workplace in an open and honest manner, not in a confrontational way. Often, the misunderstanding of co-workers and employers is based on fear and ignorance.

The Tribunal accepted that transgendered people are particularly vulnerable to discrimination. They often bear the brunt of our society's misunderstanding and ignorance about gender identity. In the context of the workplace, washroom use issues are often contentious and, in the absence of knowledge, sensitivity and respect for all concerned can inflict a great deal of emotional harm on the transgendered person.

The Tribunal held that the union simply acquiesced in the Company's treatment of the anonymous complaint as legitimate, and its implicit characterization of the Complainant as a problem who required some accommodation. The union's unexplained inability to properly consult with Ms. Ferris resulted in considerable damage to her health, finances, dignity and self-esteem. The union's failure to properly deal with the washroom complaint was a breach of the Code and resulted in an order against the Union.

M.L. and Commission des droits de la personne et des droits de la jeunesse du Québec contre Maison des jeunes

(1998) 33 CHRR D/623 (Trib. Que.)

M.L. was hired as a street help worker by the Maison des jeunes under an initial 4-month contract. Following a positive evaluation of her work, she was hired for a longer contract. M.L. was in the process of transition from male to female at the time of these contracts. She had been living for several months as a woman in all aspects of her daily life and had been using a female first name, except at work. Near the end of her second contract, she informed her employer about her transition. Shortly after, the employer advised M.L. that her contract was terminated and did not offer M.L. any other position.

The Tribunal declared that the protected ground of “sex” in section 10 of Quebec’s Charter of Human Rights and Freedoms includes the transition from one sex to another and found that the dismissal and refusal to rehire were based on M.L.’s trans status. It awarded M.L. damages.

Sheridan versus Sanctuary Investments Ltd. (available in English only)

[\(1999\) 33 CHRR D/467 \(B.C. Human Rights Tribunal\)](#)

Ms. Sheridan, who identified as a pre-operative trans woman, filed a complaint with the BC Human Rights Commission concerning a nightclub’s refusal to allow her to use the women’s washroom. The Human Rights Tribunal found this refusal to be discriminatory and ordered the nightclub to allow trans women to use the women’s washroom. Dr. Robinow testified that during transition the person is considered to be in the desired sex rather than the physical sex assigned at birth. Part of living in the role of the desired sex is using the washroom of that sex. Dr. Robinow considered use of the appropriate washroom “significant” and said that being prevented from doing so was a “source of distress” for transsexuals.

Montreuil versus National Bank of Canada

[\(Canadian Human Rights Tribunal\) February 5, 2004](#)

The Canadian Human Right Tribunal upheld a complaint by Micheline Montreuil, a MTF transsexual. Ms. Montreuil has not gone through sex reassignment surgery and has no intention to do so in the future. Notwithstanding this, the Tribunal found that the National Bank of Canada discriminated on the basis of sex when its decision not to hire her was influenced by their perception that Montreuil would use her position to crusade for trans rights.

Kimberly Nixon versus Vancouver Rape Relief Society

[\(2006\) S.C.C.A. No. 365](#)

On February 1, 2007 the Supreme Court of Canada denied Kimberly Nixon's leave to appeal application ending her 12-year case against Vancouver's Rape Relief Society. Ms. Nixon, a trans woman, was rejected from volunteer training for peer counselling services provided by the Vancouver Rape Relief Society. She filed a human rights complaint.

That Court stated that the behaviour of the Society met the test of discrimination; however, it was exempted by s.41 of the Human Rights Code. That section allows charitable or social organizations to grant preference to an identifiable group of people. In this case, the Society only took peer counsellors from women who were born women and raised as women. It is noteworthy that the earlier Court said that exclusion from the volunteer training session was "quite a different case from being excluded from a restaurant because of her trans characteristics. Unlike a for-profit business providing services or recruiting employees from the general public or a volunteer organization open to all, Rape Relief defined itself as a women-only organization and defined that group as women who had been born women."

This decision is regarded as a set-back for trans people. Its impact will be limited however, because of the specific situation applying to social and charitable organizations under BC human rights legislation.

Hogan, Stonehouse, AB and McDonald versus Her Majesty the Queen in Right of Ontario as represented by the Minister of Health and Long-Term Care

2006 HRTO 32

In 2006, Ontario's Human Rights Tribunal ruled in favour of three trans people who fought the delisting of sex reassignment surgeries from OHIP, Ontario's public health insurance program. The complainants were in the process of transitioning when sex reassignment surgery was de-listed. The ruling confirms that gender identity is a protected ground under "sex" and "disability" where relevant. The government was found to have breached the complainants' human rights by not continuing to cover those who had begun the process before de-listing. However, the Tribunal did not compel the government to re-list sex reassignment surgery. The labour movement joined with trans activists to call for the re-listing of sex reassignment surgery. In May 2008, the Ontario government finally re-listed sex reassignment surgery.

A.B. versus Minister of Transportation and Minister of Government Services

(Settlement, H.R.T.O. 2006)

A settlement was reached in a complaint about changing the sex designation on a driver's licence and birth certificate, before having sex reassignment surgery. The Ministry of Transportation had a practice (but not a written policy) whereby it would only change the sex designation on a driver's licence after a person had surgery.

With respect to changing the sex designation on a birth certificate, the Vital Statistics Act requires that a person have “transsexual surgery” in order to get the designation changed. There is no definition of “transsexual surgery” in the Act. Historically, the Ministry (now called Government Services) assumed that the required surgery was genital sex reassignment surgery.

As a result of this settlement, the Ministry of Transportation will now change the sex designation on a driver’s licence if a physician provides a letter advising that the physician has treated or examined the person and in the practitioner’s opinion the change on the licence would be appropriate. The Ministry also agreed to review the Vital Statistics Act.

CF versus Alberta (available in English only)

[2014 ABQB 237](#)

Alberta’s Director of Vital Statistics interpreted her home statute, the Vital Statistics Act ([RSA 2000, c V-4](#) (Old VSA), later repealed and replaced by [SA 2007, c V-4.1](#) (New VSA)) in a way that required transgendered people to have genital reconstructive surgery in order to be eligible to have the sex on their birth certificate changed. C.F., a trans female, challenged this interpretation as contrary to her rights under sections 7 and 15 of the Canadian Charter of Rights and Freedoms (Charter). In a groundbreaking decision released on April 22, 2014, Justice B.R. Burrows of the Alberta Court of Queen’s Bench found in favour of C.F. and ordered the Director to issue her a new birth certificate. The Alberta government has included amendments to the Vital Statistics Act in section 9 of [Bill 12](#), the Statutes Amendment Act, 2014, which was introduced in the legislature on May 5, 2014.

XY versus Ontario (Minister of Government and Consumer Services), [2012] OHRTO No 715 (available in English only)

[2012 HRTO 726](#)

The decision found that legislation requiring a person to have “transsexual surgery” before they can change the sex designation on their birth registration is discriminatory.

It says that requiring surgery adds to the disadvantage and stigma experienced by members of this community, and reinforces the stereotype that transgender persons must have surgery in order to live in their felt gender. It also found that the goals of the Vital Statistics Act (VSA) would not be harmed by removing this requirement.

The decision confirms the Ontario Human Rights Commission’s (OHRC) position that gender identity should be recognized based on lived identity, and not depend on a surgical procedure.

Vancouver Rape Relief versus British Columbia Human Rights (available in English only)

[2000 BCSC 889 \(CanLII\)](#)

At the British Columbia Court of Appeal, the legal analysis of Vancouver Rape Relief Society v Nixon, [2005 BCCA 601](#), centered on BC's [Human Rights Code](#), RSBC 1996, c 210, ss. 8, 13, and 41. Ms. Nixon claimed discrimination as a male-to-female transgendered woman who was denied the opportunity to participate in the provision of peer counseling services provided by the Vancouver Rape Relief Society. This denial by the Society was communicated by Ms. Cormier, one of Rape Relief's facilitators, who had identified Ms. Nixon as transgendered, based solely on her appearance. It was at this point that Ms. Nixon was asked to leave and informed by Ms. Cormier that "a woman had to be oppressed since birth to be a volunteer at Rape Relief and that because she had lived as a man she could not participate . . . men were not allowed in the training group."

In the case at the Supreme Court of British Columbia, Vancouver Rape Relief Society v Nixon et al, [2003 BCSC 1936](#), Ms. Cormier listed the collective political beliefs that the Society requires its volunteers not to disagree with:

1. Violence is never a woman's fault,
2. Women have the right to choose to have an abortion,
3. Women have a right to choose who their sexual partners are, and
4. Volunteers agree to work on an on-going basis on their existing prejudices, including racism.

The requirement that a woman be a woman from birth was stated to be complementary to the tenets to which all volunteers and members of the Society must subscribe in the Court of Appeal case.

Ms. Nixon was awarded \$7,500 by the Human Rights Tribunal for her claim, but this was overturned on appeal. At the Court of Appeal, Honourable Madam Justice Saunders stated "In my view, the behaviour of the Society meets the test of 'discrimination' under the Human Rights Code, but it is exempted by s. 41."

s. 41 If a charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for profit has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a physical or mental disability or by a common race, religion, age, sex, marital status, political belief, colour, ancestry or place of origin, that organization or corporation must not be considered to be contravening this Code because it is granting preference to members of the identifiable group or class of persons.

The exemption provided by s. 41 applied was enough for Honourable Madam Justice Saunders to determine that the Society had a defense to Ms. Nixon's claim.

Kavanagh versus Canada (Attorney General), [2001] CHRD No. 21

In *Kavanagh v Canada (Attorney General)*, [2001] CHRD No 21, QL, the Canadian Human Rights Tribunal confirmed that sex-reassignment surgery cannot be prohibited while an individual is incarcerated, but the penal institution's duty to accommodate does not guarantee that pre-operative transsexuals are placed in the institution of their target gender.

Annex F: Lesbian, gay, bisexual, transgendered, questioning, two-spirited+ history in Canada and the federal public service

- **1950s and early 1960s:** The lives of many Canadian civil servants and military members were destroyed after an RCMP campaign against homosexuals and subversives. Even now, many victims are reluctant to talk about it. Security officials compiled the names of 9,000 "confirmed and suspected homosexuals" in the Ottawa area.
- **1969:** Homosexuality is decriminalized in Canada.
- **1996:** The Supreme Court decides that the Canadian Human Rights Act should be expanded to include sexual orientation as a ground for discrimination. This means that federal departments and institutions are forbidden from discriminating on the basis of sexual orientation.
- **1997:** LGBT employees begin organizing a network at the Department of Canadian Heritage, one of the first federal departments to recognize the unique needs and contributions of LGBT employees.
- **2001:** Employees from Public Works and Government Services Canada, Natural Resources, Health Canada, Canada Revenue Agency and Statistics Canada begin meeting to develop an Interdepartmental Network.
- **2002 to 2003:** Social events generate further interest, and in 2004, LGBT employees in several federal departments decide to develop a broader network.
- **2004:** The Public Service Pride (PSP) Network begins meeting regularly at monthly social events drawing hundreds of members. An email distribution list reaches an even broader number, facilitating more networking connections.
- **2005:** The federal [Civil Marriage Act](#), legalizing same-sex marriage across Canada, is given royal assent.

- **2016:** For the first time in Canadian history, a [pride flag](#) is raised on [Parliament Hill](#) in Ottawa and Federal MP [Randy Boissonnault](#) is named as the government's LGBTQ issues advisor, with a mandate "to advance and protect the rights of the community and address historical injustices".
- **2017:** [Bill C-16](#), after having passed the legislative process in the [House of Commons](#) and the [Senate](#), became law upon receiving [Royal Assent](#), which put it into force immediately. ^[207]^[208]^[209] The law updated the [Canadian Human Rights Act](#) and the [Criminal Code](#) to include "gender identity and gender expression" as protected grounds from discrimination, hate publications and advocating genocide. The bill also added "gender identity and expression" to the list of aggravating factors in sentencing, where the accused commits a criminal offence against an individual because of those personal characteristics.

Annex G: Resources

Some information is available in only one language only (English or French).

Public Services and Procurement Canada Resources

Employee and Organization Assistance Program (EOAP)

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/mieuxetre-wellness/aide-assistance/paeo-eoap-eng.htm>

Disability Management Program (DMP)

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/mieuxetre-wellness/sante-health/index-eng.html#tab2>

Email: PGI.DMP@tpsgc-pwgsc.gc.ca

Employment Equity and Diversity

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/milieutravail-workplace/equit-divers/eme-ee-eng.htm>

Values and Ethics

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/milieutravail-workplace/val-eth/index-eng.html>

Office of Workplace Conflict Management

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/mieuxetre-wellness/confli/bqcmt-owcm-eng.html>

Workplace Wellness and Employee Wellbeing

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/mieuxetre-wellness/index-eng.html>

PRIDE at Work Network

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/quisommes-whoweare/fierte-pride-eng.html>

Email: TPSGC.FIERTERCN-NCRPRIDE.PWGSC@tpsgc-pwgsc.gc.ca

Code of Conduct

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/milieutravail-workplace/val-eth/code-cond-eng.html>

Directive on Respect and Harassment in the Workplace

<http://intranet.tpsgc-pwgsc.gc.ca/rh-hr/milieutravail-workplace/travail-labour/harcelement-harassment-eng.html>

Public service resources

Canadian Human Rights Commission

<http://www.chrc-ccdp.ca/>

Canadian Heritage, Sexual Orientation and Human Rights (including the “Out and About” brochure)

<http://www.pch.gc.ca/eng/1355925591901/1355925767915>

Federal Public Service Pride Network (available in English only)

https://twitter.com/PSP_NET

Values and Ethics Code for the Public Sector

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=25049>

Policy on Harassment Prevention and Resolution

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041>

External resources

The 519 (available in English only)

The 519 is committed to the health, happiness and full participation of the LGBTQ community. A City of Toronto agency with an innovative model of Service, Space and Leadership, we strive to make a real difference in people’s lives, while working to promote inclusion, understanding and respect.

Creating Authentic Spaces Tool Kit

<http://www.the519.org/education-training/training-resources/trans-inclusion-matters/creating-authentic-spaces/supporting-an-employee-in-transition>

Parents, Families, Friends of Lesbians and Gays (PFLAG)

PFLAG Canada supports, educates and provides resources to anyone with questions or concerns about the LGBTQ2+ communities and coming out.

<http://pflagcanada.ca/>

Alterhéros (available in French only)

AlterHéros is an incorporated non-profit organization whose mission is to facilitate the social and community integration of gay, lesbian, bisexual and transgendered youth.

<http://www.alterheros.com/?lang=en>

Egale – Canada Human Rights Trust (available in English only)

Egale Canada advances equality and justice for lesbian, gay, bisexual and trans-identified people, and their families, across Canada.

<http://egale.ca/>

TransParent Canada (available in English only)

<http://www.transparentcanada.ca/?file=kop1.php>

Gender Creative Kids Canada

Provides resources for supporting and affirming gender creative kids within their families, schools and communities.

<http://gendercreativekids.ca/>

Ottawa Distress Centre (NCR, available in English only)

<https://www.dcottawa.on.ca/>

Mental Health Services (national, bilingual in NCR)

<http://www.ementalhealth.ca/>

Lesbian Gay Bi Trans Youth Line (available in English only)

The LGBT Youth Line is a toll-free, Ontario-wide peer-support phone line for lesbian, gay bisexual, transgender, transsexual, two-spirited, queer and questioning young people.

<http://www.youthline.ca/>

The Canadian Centre for Gender and Sexual Diversity

The Canadian Centre for Gender and Sexual Diversity (CCGSD) intersectionally promotes diversity in gender identity, gender expression, and romantic and/or sexual orientation in all its forms on a national level through services in the areas of education, health, and advocacy.

<http://ccgsd-ccdqs.org/>

Transgender Health Information Program (available in English only)

Provincial Health Services Authority (PHSA) is responsible for the provincial coordination of transgender health services in BC. The **transgender Health Information Program (THiP)**, a BC-wide information hub providing information about gender affirming care and supports, is in the process of integrating with the trans Care BC program at PHSA.

<http://transhealth.phsa.ca/>

Trans Alliance Society (British Columbia) (available in English only)

The Trans Alliance Society is a province-wide coalition with the aim of building connections between individuals and groups working on trans issues. They have some online resources including an online service directory, educational guides, publications, and more.

https://www.facebook.com/pg/TransAllianceSociety/about/?ref=page_internal

Trans Rights British Columbia (available in English only)

This project aims to disseminate human rights information that is accurate, accessible, and relevant to the safety and well-being of trans and gender-diverse individuals and their supportive allies across British Columbia.

<http://www.transrightsbc.ca/>

Gender-free Legal Writing (available in English only)

British Columbia Law Institute

<http://www.bcli.org/publication/gender-free-legal-writing-managing-personal-pronouns-0>

References

1. The Workplace and Gender Reassignment: A guide for staff and managers (UK Civil Service) November 2013 Revised Edition
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503663/Workplace_Guide_CSEP_revised_Final_V1_.pdf
2. Canadian Human Rights Commission <http://www.chrc-ccdp.ca/default-eng.aspx>

3. Workers in Transition: A Practical Guide about Gender transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>
4. Province of Nova Scotia Guidelines to Support Trans and Gender Variant Employees
http://novascotia.ca/psc/pdf/employeeCentre/diverseworkforce/Supporting_TGV_Employees.pdf
5. Transgender Health Information Program (British Columbia)
<http://transhealth.phsa.ca/trans-101/glossary>
6. Alberta Health Services Gender Identity and Transgender Health
<https://myhealth.alberta.ca/Alberta/Pages/gender-ID-expression-LGBTQ.aspx>

ⁱ Workers in transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

ⁱⁱ http://www.bchrt.gov.bc.ca/decisions/1999/pdf/ferris_vs_office_and_technical_employees_union_local_15_oct.pdf .

ⁱⁱⁱ Province of Nova Scotia Guidelines to Support Trans and Gender Variant Employees
http://novascotia.ca/psc/pdf/employeeCentre/diverseworkforce/Supporting_TGV_Employees.pdf

^{iv} Adapted from The Workplace and Gender Reassignment: A Guide for Staff and Managers (UK Civil Service) November 2013 Revised Edition
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503663/Workplace_Guide_CSEP_revised_Final_V1_.pdf

^v Province of Nova Scotia Guidelines to Support Trans and Gender Variant Employees
http://novascotia.ca/psc/pdf/employeeCentre/diverseworkforce/Supporting_TGV_Employees.pdf

^{vi} Province of Nova Scotia Guidelines to Support Trans and Gender Variant Employees
http://novascotia.ca/psc/pdf/employeeCentre/diverseworkforce/Supporting_TGV_Employees.pdf

^{vii} Workers in Transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

^{viii} Workers in Transition: A Practical Guide about Gender transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

^{ix} Transgender Health Information Program (B.C.): <http://transhealth.phsa.ca/trans-101/glossary>

^x Transgender Health Information Program (B.C.): <http://transhealth.phsa.ca/trans-101/glossary>

^{xi} Workers in Transition: A Practical Guide about Gender transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

^{xii} Transgender Health Information Program (B.C.): <http://transhealth.phsa.ca/trans-101/glossary>

^{xiii} Workers in Transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

^{xiv} Workers in Transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

^{xv} Workers in Transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress
<http://canadianlabour.ca/sites/default/files/media/WorkersIntransitionGuide-2011-04-EN.pdf>

^{xvi} Transgender Health Information Program (B.C.): <http://transhealth.phsa.ca/trans-101/glossary>

^{xvii} Workers in Transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress <http://canadianlabour.ca/sites/default/files/media/WorkersInTransitionGuide-2011-04-EN.pdf>

^{xviii} See CHRC, "Click" Legislation and Policies <http://www.chrc-ccdp.ca/default-eng.aspx>

^{xix} Workers in Transition: A Practical Guide about Gender Transition for Union Representatives, Canadian Labour Congress <http://canadianlabour.ca/sites/default/files/media/WorkersInTransitionGuide-2011-04-EN.pdf>