

# Guidelines to Support Trans and Gender Variant Employees



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## A NOTE ON LANGUAGE USE

Our understanding of sex, sexual orientation, and gender identity/expression is individual and rapidly evolving, which creates complexities in the use of language in this area; language itself is similarly nuanced and continually evolving. While careful consideration has been given throughout these guidelines to respectful, inclusive, and contemporary language use, it is recognized that over the life of this document language is likely to shift and evolve. The effect is that some of the language used in these guidelines may not reflect current terminology or comprehension of existing terminology at the time of reading. Where specific challenges of language were known at the time of publication, and no solution was readily available, a note reflecting the language chosen as well as how it is to be understood has been included. For those to whom the concepts and terms in these guidelines are unfamiliar, it may be helpful to review the terms and concepts provided at the end of this document prior to reviewing the guidelines.

## ABOUT GENDER IDENTITY AND GENDER EXPRESSION

Identity is fluid and complex; it is experienced, interpreted, and expressed in many ways. Our identity is determined by how we see ourselves and how others see us as well as how these two, sometimes oppositional, views interact. People are much more than the sum of their parts; their lives involve multiple interconnected identities and experiences that contribute to a person's unique lived experience. Understanding the differences in our individual identities is important because it impacts under what circumstances and to what degree our identities are recognized and supported by others (e.g., accepting some parts of a person's identity as valid but not others, accepting a person's identities in certain settings or around certain people but not others).

Everyone has a gender identity, and we all express our **gender** in different ways. Gender identity is an individual's internal sense of being a man, woman, both, neither, or somewhere in between. **Gender identity** refers to the internal experience of a person that cannot be experienced or seen by others.

For many people, their gender identity or expression is consistent with their assigned **sex** at birth; the term for this experience is **cisgender**. When gender identity or expression differs from a person's assigned

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defined words.

sex/gender at birth the experience is termed **transgender** (also **trans**). How you present or show your gender to the world (e.g., clothing/dress, speech, personal habits) is known as **gender expression**. People who identify as **gender variant** have a gender expression that differs from what is common or expected for their perceived gender or assigned sex in a given culture.

## PURPOSE

All employees have the right to a safe, respectful, and inclusive work environment. The Province of Nova Scotia is committed to fair and equitable employment practices that support full participation by all employees.

In December 2012, the Nova Scotia Human Rights Act (the act) was amended to include gender identity and gender expression as protected characteristics. The Province of Nova Scotia has developed these best practice guidelines, in keeping with the amended legislation and the Respectful Workplace Policy, to assist employees in

- ▶ creating equitable, safe, inclusive, and respectful work environments for trans and gender variant employees
- ▶ fulfilling our shared obligation to promote the dignity, respect, and equity of trans and gender variant employees

## APPLICATION

These guidelines set out the Province of Nova Scotia's expectations related to supporting employees' full participation in the workplace based on gender identity and gender expression in a manner which is equitable, safe, inclusive, and respectful. All employees at all levels of the organization play an important role in creating safe, inclusive, and respectful environments for trans and gender variant employees. It is the responsibility of all employees in the organization to follow these guidelines.

The guidelines apply to individuals across the entire organization, including all employees, volunteers, and other third parties; and their conduct, including use of electronic technology and communication, which takes place in the workplace.

## ACCOUNTABILITIES

### DEPUTY HEADS

Deputy Heads are accountable for

- ▶ championing and modeling respect and inclusion
- ▶ establishing a respectful environment for all employees that affirms the value of diversity and inclusion in the workplace
- ▶ ensuring all employees are provided with an opportunity to access relevant professional development

### MANAGERS

Managers are accountable for

- ▶ modeling respect and inclusion
- ▶ establishing a respectful environment for all employees that affirms the value of diversity and inclusion in the workplace
- ▶ ensuring all employees are provided with an opportunity to access relevant professional development
- ▶ taking personal responsibility to educate themselves in the relevant subject matter (e.g., basic understanding of gender identity and expression, awareness of government processes and resources)
- ▶ taking reasonable action to address any matters that arise contrary to the Respectful Workplace Policy and these guidelines

### EMPLOYEES

Employees are accountable for

- ▶ treating all persons with respect and dignity
- ▶ affirming the diversity and inclusion of all employees
- ▶ participating in relevant professional development opportunities

### PUBLIC SERVICE COMMISSION

#### *Human Resource Professionals*

Human Resource Professionals are accountable for

- ▶ modeling respect and inclusion
- ▶ affirming the value of diversity and inclusion in the workplace
- ▶ responding to inquiries from employees and managers
- ▶ referring matters to the PSC Subject Matter Expert (Sexual Orientation and Gender Identity), as identified by the Director, Respectful Workplace and Corporate Diversity, or equivalent

## **PUBLIC SERVICE COMMISSION**

### ***Subject Matter Expert (Sexual Orientation and Gender Identity)***

The Subject Matter Expert (Sexual Orientation and Gender Identity) or their equivalent is accountable for

- ▶ modeling respect and inclusion
- ▶ affirming the value of diversity and inclusion in the workplace
- ▶ providing policy advice
- ▶ providing support to employees, managers, and human resource professionals
- ▶ overseeing the development and delivery of relevant professional development

## **PUBLIC SERVICE COMMISSION**

Public Service Commission is accountable for

- ▶ evaluating the effectiveness and monitoring the use of these guidelines

## GUIDELINES TO SUPPORT TRANS AND GENDER VARIANT EMPLOYEES

The foundational principles that informed development of these guidelines and guide decisions around requests under these guidelines include the following:

- ▶ Trans and gender variant employees have a right to access spaces within the workplace and experience their work environment in ways that correspond to their gender identity.
- ▶ Self-identification is the sole measure of an employee's gender identity.

### 1. Guideline

#### ***Protect employees' privacy and confidentiality.***

Keep an employee's trans or gender variant identity confidential by not disclosing it to others (e.g., human resource professionals, supervisors, team members), unless the employee has authorized such disclosure (i.e., to fulfill a specific request for support) or a legal proceeding requires disclosure.

### 2. Guideline

#### ***Use employees' identified name(s) and pronoun(s).***

Consistently use employees' identified name(s) and pronoun(s) in ways and places that they have requested and consistent with legal requirements.

### 3. Guideline

#### ***Dress codes and rules of appropriate dress/appearance support the full expression of the employees' gender identity.***

Expectations around employee dress and appearance are flexible and not gender-specific.

### 4. Guideline

#### ***Employees can safely and fully participate in all aspects of work life, including social events, in accordance with their gender identity. Avoid activities based on or segregated by gender.***

Employees participate in all aspects of work life, including social events, in ways that are safe, comfortable, and consistent with their gender identity. Activities based on or segregated by gender are avoided.

### 5. Guideline

#### ***Minimize gender-specific work assignments and duties.***

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

### 6. Guideline

#### ***Employees are supported in accessing, and are able to utilize, washroom and change room facilities in accordance with their gender identity.***

Employees access facilities that they are comfortable using and correspond to their gender identity, regardless of their sex assigned at birth.

## **Requests for Support**

Requests for supports are an individual, employee led, collaborative, and employee/solution focused process. This means that the process is

- ▶ specific to each trans or gender variant employee, their needs, workplace, etc.
- ▶ initiated, and specific supports identified/requested, by the employee
- ▶ an ongoing, communicative and consultative process between the employee, their supervisor and/or manager, and human resource professionals
- ▶ designed to reach reasonable solutions that respect and support the full inclusion of the employee at work

Specific supports may be sought to enable an employee's full expression of their identity and/or to protect their safety. If an employee requires supports to fully participate at work (e.g., a private space to change), they need to inform their supervisor, manager, or human resource professional of their particular needs to enable the appropriate supports to be put in place. Supervisors, managers, and human resource professionals should neither assume that supports are wanted/needed nor attempt to identify or implement supports without the employee (i.e., based on experience supporting another trans or gender variant employee).

Managers, supervisors, and human resource personnel will listen to the employee's needs and concerns and work together to identify solutions. The employee should be informed about who may be able to respond to their request, and a decision should be made together about who will communicate the request (e.g., the employee, manager, human resource professional).

Requests are fulfilled on a case-by-case basis and individualized to best meet the needs of the employee who is making the request. If an issue arises with regard to a trans or gender variant employee's full participation at work, the issue should be resolved in a manner that involves the trans or gender variant employee in the decision-making process. Ensuring reasonable accommodation, maximizing inclusiveness, and addressing the best interests of the employee are inherent in this collaborative decision-making.



## 1. Guideline

### ***Protect employees' privacy and confidentiality.***

Keep an employee's trans/gender variant identity confidential by not disclosing it to others (e.g., human resource professionals, supervisors, team members), unless the employee has authorized such disclosure (i.e., 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 (i.e., legal proceedings). 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 (e.g., criminal record check, child abuse registry 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.

### **Good to Know**

"Outing" someone can be a form of harassment.

Trans and gender variant employees, like all employees, have the right to share, discuss, and express their gender identity and expression openly. Trans and gender variant employees also have the right to decide when, with whom, and how much private and personal information to share. This includes not disclosing their gender identity to anyone and still being treated with dignity and having equitable access to all aspects of the work environment and work spaces.

### **For Example**

If you are a supervisor or manager, do not assume that you should send an email to all employees or make a formal announcement because a trans or gender variant employee is in the process of a medical or social transition; instead, consult the employee on what information and with whom to communicate around their transition.

## Good to Know

Deliberately addressing an employee by the incorrect name(s) or pronoun(s) may be a form of discrimination. This does not include inadvertent slips or honest mistakes, but it does apply to the deliberate and/or 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 (e.g., they, ze or zhe [pronounced "zee"], hir [pronounced "here"]), or might express themselves or self-identify in other ways. Employees may also wish to write in such a way as to avoid the gender binary.

Some employees may also identify as Gender Fluid, which may mean that their identified name(s) or pronoun(s) may change over time or from time to time. In such cases supervisors, managers, and human resource professionals should collaborate with the employee on a process to ensure the employee is referred to using the correct name(s) and pronoun(s).

## 2. Guideline

### ***Use employees' identified name(s) and pronoun(s).***

Consistently use employees' identified name(s) and pronoun(s) in ways they have requested and consistent with legal requirements.

- ▶ 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 (as requested)
  - ▶ organization charts and phone directory
  - ▶ databases and mailing lists
  - ▶ employee personnel records and paperwork
  - ▶ email address
  - ▶ identification card or access badge (as well as new photo if requested)
  - ▶ door or desk name plates
  - ▶ websites
- ▶ The employer will change an employee's personnel records (e.g., insurance and pension documents, payroll, licenses) to reflect a change in legal name or legal sex designation upon receipt of legal documentation that such changes have been made.
- ▶ 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. If the hiring manager still has questions about the employee's identity or qualifications, consult the appropriate human resource professional.

### 3. Guideline

***Dress codes and rules of appropriate dress/appearance support the full expression of the employees' gender identity.***

Expectations around employee dress and appearance are flexible and not gender-specific.

- ▶ Employees, regardless of whether they have indicated that they identify as trans or gender variant, are 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.

### 4. Guideline

***Employees can safely and fully participate in all aspects of work life, including social events, in accordance with their gender identity. Avoid activities based on or segregated by gender.***

Employees participate in all aspects of work life, including social events, in ways that are safe, comfortable, and consistent with their gender identity. Activities based on or segregated by gender are avoided.

- ▶ When planning and executing events/activities, give care and concern to who among the group may be impacted and in which ways.
- ▶ Requiring participation based on an employee’s sex assigned at birth or status of medical transition is not acceptable.

#### Good to Know

Employees are entitled to dress consistent with their gender identity at a similar standard of dress and appearance as would be expected of other employees in their workplace and/or of a similar position. An employee’s decision to alter their dress and appearance may happen before, during, or after a social transition within the workplace and as such the status of an employee’s transition should not impact their ability to dress in a manner consistent with their gender identity.

#### For Example

A jewelry party is being planned; invites are sent to only the women on the team. A gender variant team member who does not identify themselves within the **gender binary** is not invited. Additionally, there are some men on the team who would have enjoyed the event and are not invited. All employees should be able to participate in events.

## 5. Guideline

### ***Minimize gender-specific work assignments and duties.***

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

#### **Good to Know**

Modifying a trans or gender variant employee's duties/responsibilities (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) without a prior request from the employee may be considered a form of discrimination. The appropriate solution is to work with the individual expressing concern to understand and resolve their concerns about the trans or gender variant employee. Where this is not possible, the individual expressing concern may be offered an alternative (e.g., service from another employee; transfer to another project). Employees should be reminded of their obligations under the Respectful Workplace Policy and these guidelines. It is not appropriate to modify the duties of the trans or gender variant employee as a response to such concerns. Where there are concerns or uncertainty, an appropriate human resource professional should be consulted.

- ▶ In rare instances, there may be a need to assign work on a gender-specific basis (i.e., in correctional services with offender body search processes.). Placing a trans 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 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 concerns from the public or coworkers is not acceptable unless requested by the employee based on their safety/comfort.

## 6. Guideline

**Employees are supported in accessing, and are able to utilize, washroom and change room facilities in accordance with their gender identity.**

Employees access and utilize facilities that they are comfortable using and correspond to their gender identity, regardless of their sex assigned at birth.

- ▶ 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 (e.g., by requiring a doctor's letter, identity documents) is not acceptable.
- ▶ Where possible, an easily accessible,<sup>1</sup> **all-gender washroom** will be provided for use by any employee regardless of the underlying reason (e.g., increased privacy, medical, religious, cultural, gender identity).
- ▶ 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 in a gender-specific facility. If possible, more than one all-gender washroom is encouraged.
- ▶ When employees are required to work off-site, access to an all-gender washroom should be considered.

1. Accessibility refers to non-stigmatizing location within the workplace and process to access, as well as physically accessible for people with accessibility concerns (i.e., wheelchair accessible).

*For information about how to support an employee's gender transition in the workplace, please refer to the additional documents and resources available to managers and supervisors supporting a trans or gender variant employee on MyHR.*

### Good to Know

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

If an employee is uncomfortable with a trans or gender variant employee's bathroom use, the use of a single-stall washroom or alternate washroom arrangement for the employee expressing discomfort is the appropriate solution. Where there are concerns or uncertainty, an appropriate human resource professional should be consulted.

### For Example

When organizing an off-site meeting, the meeting organizer should make every reasonable effort to ensure that an all-gender washroom be provided for employees.

## TERMS AND CONCEPTS

These definitions are not meant to label individuals but are, in some instances, helpful or functional descriptors. These terms, like all words, are social constructs developed over time. New language is constantly forming to unite community members as well as divide groups by experience, politics, and other group memberships. These terms and definitions are NOT standardized and may be used and understood differently by different people and in different regions.

Although these are the most commonly used terms, employees may prefer other terms to describe their gender identity or expression. Labels and identities should only be self-identified by individuals, not assumed by others. While many pieces of a person's appearance, behaviour, or self-expression may provide cues to their presumed identity, it is the internal experience of how the person identifies that is the sole definition of their identity regardless of other factors.

**All-Gender Washroom:** washrooms accessible by persons of all genders (e.g., male identified, female identified, trans, gender variant) who prefer increased privacy for any reason; they may or may not be accessible by persons with disabilities. All-gender washrooms may be marked with specialized signage indicating that it is an all-gender washroom in English, French, and Braille, as well as whether or not the space is accessible for persons with disabilities.

**Binary (or Gender Binary):** A socially constructed system that divides sex and gender into two distinct, opposite, and disconnected categories of male/man/masculine and female/woman/feminine. This type of system is problematic for people who are intersex, trans, and gender variant.

**Cisgender:** Having a gender identity that is congruent with one's biological sex (e.g., both biological sex and gender identity are female).

**Cisgenderism:** Is the assumption that there are only two genders (man and woman) and the belief that these genders are linked directly to biological sex (male and female). Cisgenderism does not allow for the recognition of other gender identities or expressions. Those who fit into the expectations of gender in society are afforded privileges that trans people are not. Cisgenderism is a form of institutionalized discrimination as well as an individually demonstrated prejudice. Cisgenderism assumes that there are only two genders and does not profess to value one over the other; this is where cisgenderism differs from sexism.

**Coming out:** (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.

**Discrimination:** Where a person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, protected by the Nova Scotia Human Rights Act 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.

**Gender:** A social construct based on emotional, behavioural, psychological, and physical characteristics that classify an individual as feminine, masculine, female, male, androgynous, or other. Most assume that a person's gender is based on the sex they are assigned at birth (e.g., babies assigned male at birth will be boys/men and females assigned at birth will be girls/women). Gender can be understood to have several components, including gender identity, gender expression, and gender roles. A society or culture develops the roles and relationships, traits, behaviours, values, power, and influence appropriate between the two genders.

**Genderqueer (also Gender Fluid):** A label for the experience of individuals whose gender identity is fluid (i.e., subject to change and/or redefinition over time) and falls outside the male/female gender binary. Genderqueer individuals often reject this binary completely and may choose not to undergo medical/surgical transitions or designate male or female pronouns for themselves. Some trans or genderqueer individuals may choose to use gender-neutral pronouns such as hir (pronounced "here"), ze, or they.

**Gender Expression:** How people present their own sense of gender to society. Your gender identity is what you know yourself to be and your gender expression is how you present or show your gender to the world and how your gender is understood by the world. Such as through clothing/dress, makeup, voice, mannerisms, and personal habits.

**Gender Identity:** A person's internal sense of being man, woman, both, neither, or somewhere in between. Gender identity refers to the internal experience of a person that cannot be determined by others. A person's gender identity is different from their sexual orientation.

**Gender Incongruence/Gender Dysphoria:** A medical term/diagnosis used to connote a persistent feeling of dissonance between one's internal sense of gender (gender identity) and anatomical or assigned sex. This conflict often results in distress and discomfort. It is important to note that not all individuals who identify as trans or gender variant suffer from or accept gender dysphoria as a label; medical professionals have recognized the stigmatizing and problematic nature of this term. However, in many jurisdictions a diagnosis of gender dysphoria remains a requirement for access to gender affirming health-care and/or accommodations.

**Gender Variant:** An umbrella term to refer to individuals whose gender expressions differ from what is considered normative for their perceived gender and/or their assigned sex in a given culture.

**Identified Name:** A trans or gender variant person may identify a name other than their legal name which is more congruent with their gender identity and which may reduce distress and/or enhance their comfort. Some individuals may also refer to this as a preferred name; however, it is important to know that “preferred name” may be understood by some individuals to indicate that they have a preference, or choice, with respect to their gender identity.

**Identified Pronoun:** A trans or gender variant person may identify a pronoun other than the pronoun based on their assigned sex at birth which is more congruent with their gender identity and which may reduce distress and/or enhance their comfort. Some individuals may also refer to this as a preferred pronoun; however, it is important to know that “preferred pronoun” may be understood by some individuals to indicate that they have a preference, or choice, with respect to their gender identity.

**Intersex:** A general term used to describe natural biological variations in development in which a person is born with combinations of anatomy or physiology that do not fit the normative definitions of biological sex in the binaries of female or male. This could be due to chromosome configuration, hormone levels, genital ambiguities, or a combination thereof. Historically this condition was referred to as hermaphroditism. Hermaphrodite/Hermaphroditism is now considered derogatory in common use.

**Outing:** Publicly revealing a trans or gender variant person’s gender identity without their knowledge, permission, or consent. Note: intent is not relevant to outing; therefore, it is possible to intentionally or unintentionally out someone by disclosing their personal information with no malicious intent and still cause harm to that person.

**Reasonable Accommodation:** Human rights legislation requires that employers have a duty to accommodate to the point of undue hardship. Undue hardship occurs when all reasonable means of accommodation have been exhausted and only unreasonable or impracticable options remain which would create a substantial and unmanageable workplace burden for the Province of Nova Scotia and/or it is determined that the employee’s safety would be impacted resulting in an unsuccessful return into the workplace. Such a burden may include significant, financial, operational and/or safety considerations.

**Sex/Biological Sex:** Identifies a person as female, male, or intersex. It is determined by a person’s anatomy and physiology (e.g., genitalia, chromosomes, hormones). Sex is typically assigned at birth based on the appearance of the external genitalia.

**Sexual Orientation:** To whom we are emotionally, relationally, and/or physically attracted. 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:** A person who does not identify with the sex/gender that they were assigned at birth. People who are trans may identify as and use the labels transgender, transsexual, female-to-male (FTM), male-to-female (MTF), trans man, trans woman, genderqueer, gender fluid, bi-gender, pangender, ambi-gender, or polygender. Trans people may also identify in different ways that may not fit into the gender binary structure or the identities listed here.

**Transitioning:** Affirming one's gender. Transitioning may include both social (e.g., changes to name/pronoun, dress, speech/voice, mannerisms) and/or medical (e.g., gender affirming surgeries, hormone or voice therapies). The nature and path of transition is different for each person. An individual's status of transition (e.g., partial, complete, or no transition) does not validate or invalidate their gender identity.

2. *"Phobia" in this context is not understood in the medical sense (an anxiety disorder related to a person, object, situation, or experience) but rather in the same vein as xenophobia; a fear of persons, objects, situations, or experiences perceived to be different, strange, or unknown. In this case, trans and gender variant persons which is exhibited through the behaviours above.*

**Transphobia:** <sup>2</sup> A fear, hatred, ignorance, and/or violence towards trans and gender variant people or those whose gender identity or expression otherwise does not conform to social norms/expectations of gender.

**Two spirit:** <sup>3</sup> Some Aboriginal people identify themselves as two spirit rather than as bisexual, gay, lesbian, or trans. Two spirit implies the embodiment of masculine and feminine spiritual qualities within the same body. Historically, in many Aboriginal cultures two spirit people were respected leaders and medicine people. Two spirit people were often accorded special status based on their unique abilities to understand female and male perspectives.

**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 activity associated with employment.

3. *Two spirit is an Aboriginal term broadly and is not unique to the Mi'kmaw people of Nova Scotia.*

## REFERENCES

Canadian Labour Congress. (2012). Workers in transition: A practical guide about transition for union representatives. Online: <http://canadianlabour.ca/sites/default/files/media/WorkersIn-TransitionGuide-2011-04-EN.pdf>

Government of Nova Scotia. Respectful workplace policy. Online: <http://novascotia.ca/treasuryboard/manuals/PDF/500/50409.pdf>

Human Rights Campaign Foundation. (2008). Transgender inclusion in the workplace, 2nd edition. Online: [http://www.fs.fed.us/cr/HRC\\_Foundation\\_-\\_Transgender\\_Inclusion\\_in\\_the\\_Workplace\\_2nd\\_Edition\\_-\\_2008.pdf](http://www.fs.fed.us/cr/HRC_Foundation_-_Transgender_Inclusion_in_the_Workplace_2nd_Edition_-_2008.pdf)

Ontario Human Rights Commission. (2014). Policy on preventing discrimination because of gender identity and gender expression. Online: <http://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20because%20of%20gender%20identity%20and%20gender%20expression.pdf>

prideHealth, Capital District Health Authority. (2013). Trans health guide: Terminology. Online: <http://www.cdha.nshealth.ca/system/files/sites/8700/documents/trans-health-guide-print-version-all-sections.pdf>

Province of Nova Scotia. (2012). Human rights act. Online: <http://nslegislature.ca/legc/statutes/human%20rights.pdf>

Toronto District School Board. (2013) TDSB guidelines for the accommodation of transgender and gender non-conforming students and staff. Online: [http://www.tdsb.on.ca/Portals/0/AboutUs/Innovation/docs/tdsb%20transgender%20accommodation%20FINAL\\_1\\_.pdf](http://www.tdsb.on.ca/Portals/0/AboutUs/Innovation/docs/tdsb%20transgender%20accommodation%20FINAL_1_.pdf)

Transgender Law Center. (2013). Model transgender employment policy: negotiating for inclusive workplaces. Online: <http://transgenderlawcenter.org/wp-content/uploads/2013/12/model-workplace-employment-policy-Updated.pdf>

Out and Equal: Workplace Advocates. (2014). Workplace Gender Identity and Transition Guidelines. Online: <http://www.outandequal.org/wp-content/uploads/2014/12/Out-Equal-Workplace-Transition-Guidelines-Full-Edition.pdf>



