

**TDSB Guidelines for the Accommodation
of
Transgender and Gender Non-Conforming
Students and Staff**

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1. INTRODUCTION

All school boards exist within a broader context of law and public policy that protects and defends human rights.

The Ontario *Human Rights Code* (the *Code*) provides for equal rights and opportunities, and freedom from discrimination. The *Code* recognizes the dignity and worth of every person in Ontario, in employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.

People who are discriminated against or harassed because of gender identity are legally protected under the ground of sex. This includes transsexual, transgender and intersex persons, crossdressers, and other people whose gender identity or expression is, or is seen to be, different from their birth-identified sex.

(<http://www.ohrc.on.ca/en/gender-identity-and-gender-expression-brochure>)

At the Toronto District School Board, a number of policy statements have been developed that both reinforce federal and provincial legislation, and help ensure that the freedoms they name are protected within the school system. The TDSB –through its Equity Foundation Statement, Commitments to Equity Policy Implementation documents (CEPI), the Human Rights Policy and Procedures, Gender-Based Violence Policy, and Caring and Safe Schools Policy —makes clear both its commitment to upholding the dignity and worth of all persons, and the high value it places on protecting all members of its community from discrimination and harassment.

Related Policy Documents:

- Policy P029 - Employment Equity**
- Policy P031 - Human Rights**
- Policy P034 - Workplace Harassment**
- Policy P037 - Equity Foundation**
- Policy P051 - Caring and Safe Schools**
- Policy P065 - Bullying Prevention and Intervention**
- Policy P071 - Gender-based Violence**
- Policy P072 - Workplace Violence Prevention**

2. PURPOSES AND APPLICATION OF THE GUIDELINES

These guidelines set out the TDSB’s best practices related to accommodation based on gender identity and gender expression. They have been designed to raise awareness and help protect against discrimination and harassment. It is intended that this document will support members of the wider TDSB community fulfill our shared obligation to promote the dignity and equality of those whose gender identity and or gender expression does not conform to traditional social norms.

It is expected that the guidelines will be adhered to in general; however, it is also recognized that specific accommodations sought are to be fulfilled on case-by-case basis and individualized to best meet the needs of a student or employee who is making an accommodation request.

Accommodation Based on Request. The Toronto District School Board will take reasonable steps to provide accommodation to staff and students who state that the Board's operations or requirements interfere with their right to free gender expression and or gender identity. The Board will balance its decision to accommodate on several factors, such as undue hardship, including: the cost of the accommodation to the Board; health and safety risks to the person requesting accommodation and to others; and the effect of accommodation on the Board's ability to fulfill its duties under Board policies and the Education Act.

What you may expect in an accommodation request. An accommodation request may come in the form of a verbal request, a written request, by e-mail communication or even a request that was dictated and recorded. The request may come directly from the student or the student's legal guardian(s). It is advised to have a student and/or guardians/parents put the request in writing for purposes of clarity and to help protect both parties in case of questions regarding the original request.

There is no age limit on making an accommodation request, and young students have the same rights to privacy and to have accommodations made on their behalf with or without their guardians' knowledge. Accommodation requests are generally specific requests as it pertains to a student, based upon some of the categories described in this document.

Each request will look different and each accommodation request will be different because they are developed on an individual, case by case basis. There may be a request made that is not described in this document as well.

Unresolved Requests. Despite the Board's commitment to accommodate, an individual may feel that discrimination has occurred. The Board will, through its Human Rights Policy and Procedures, take reasonable steps to address the unresolved issues raised by the affected person.

3. DEFINITIONS

The definitions provided below are not meant to label an individual but are intended as sometimes helpful functional descriptors. These words, like all words, are social constructs developed over time. (New language is constantly formed 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 differently by different people, and in different regions. Labels and identities should only be self-selected by individuals, not assumed by others. Biology does not imply identity. Nor do behaviour and expression alone constitute identity.

Biological Sex: generally refers to the sex assigned at birth based on external genitalia but also includes internal reproductive structures, chromosomes, hormone levels, and secondary sex characteristics such as breasts, facial and body hair, and fat distribution.

Cisgendered: having a gender-identity that is congruent with one's biological sex (e.g. one's biological sex is female and one's gender-identity is as a woman)

Gender Identity: is linked to an individual's intrinsic sense of self and their sense of being female, male, a combination of both, or neither regardless of their biological sex.

Gender Expression: refers to the way an individual expresses their gender identity (e.g. in the way they dress, the length and style of their hair, the way they act or speak, the volume of their voice, and in their choice of whether or not to wear make-up.) Understandings of gender expression are culturally specific and will change over time.

Gender Non-Conforming: refers to individuals who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth (also called Gender Variance, Gender Independence and Gender Creativity). For example, this includes "feminine boys," "masculine girls," and individuals who are androgynous. Another example might be a male who comes to school in clothing that some might perceive as "girls' clothing," or the girl who plays games on the playground that some might perceive as "boys' games."

Intersex: a person who has male and female genetic and/or physical sex characteristics.

Transgender: refers to individuals whose gender identity is different from what is assumed based on their biological sex at birth, and/or whose gender expression is different from the way males or females are stereotypically expected to look or behave.

Transition: the process (which for some people may also be referred to as the "gender reassignment") whereby people change their appearance, bodies and identity documents to match their internal (gender) identity, while living their lives full-time in the gender role they know themselves to be.

Transsexual: a term for a person who identifies as a sex other than the one they were assigned at birth. Many transsexuals desire to undergo a medical sex conformation process (some times referred to as a sex reassignment) to change their birth-assigned sex.

Two-spirit: an English term coined to reflect specific cultural words used by First Nations and other indigenous peoples for individuals who have both a male and female spirit. Many two-spirit people are understood by settler society to be gay, lesbian, bisexual, transgendered or transsexual, or have multiple gender identities.

4. GUIDELINES FOR STUDENTS

Transgender or gender non-conforming individuals, have the right to be who they are openly. This includes expressing gender identity without fear of unwanted consequences. As well as the right to be treated with dignity and respect.

Individual Procedures. Board and school staff must consider each student's needs and concerns separately. Each transgender and gender non-conforming student is unique with different needs. An accommodation that works for one student cannot simply be assumed to be appropriate for another.

Privacy. All students have a right to privacy; unless specifically directed by the student, schools must keep a student's transgender/gender non-conforming status confidential. Therefore, school staff should not disclose a student's transgender/gender non-conforming status to others unless there is a specific "need to know" (e.g., to fulfill a specific accommodation request).

Some transgender and gender non-conforming students are not open about their identity at home for safety or other reasons. A school should never disclose a student's gender non-conformity or transgender status to the student's parent(s)/guardian(s)/caregiver(s) without the student's explicit prior consent. This is true regardless of the age of the student.

When school staff contact the home of a transgender or gender nonconforming student, the student should be consulted first to determine an appropriate way to reference the student's gender identity. It is strongly suggested that staff privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in correspondence to the home or at meetings with the student's parent(s)/guardian(s)/caregiver(s).

Official Records. The school will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or sex has been changed.

Names/Pronouns. All students, including transgender and gender non-conforming students have the right to be addressed by a preferred name and pronouns corresponding to their gender identity. This is true regardless of whether the student has obtained a legal name or sex designation change. For example, under the Ontario Trillium school identification system, a student's "preferred or chosen name" and a change of gender can be used on class lists, timetables, etc. School staff may need to make manual changes to report cards and diplomas to ensure that the correct name and pronouns appear on these documents.

Intentionally addressing a student by the incorrect name or pronoun may be considered a form of discrimination and is not condoned. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use a student's gender identity.

Students who wish to use pronouns other than the masculine or the feminine, such as ‘ze’, ‘hir’ or ‘they’) need to be accommodated equally.

NOTE: Students and employees who wish to use gender-neutral and gender inclusive language in TDSB schools and workplaces need to be accommodated. For example, some people do not feel included in the generic binary of “he or she”. Students and staff may wish to write in such a way as to avoid it. An increasingly common and accepted strategy is to use “they” as a gender-neutral singular pronoun, as this document often does. (For a useful legally-oriented source on this, please see www.editorscanberra.org/a-singular-use-of-they/)

Standardized Forms and Documentation

Board staff will send an annual advisory to all schools to ensure standardized forms are appropriately amended to reflect these guidelines. The advisory will reinforce the expectation that schools use gender-neutral language and offer gender-inclusive choices. (E.g., “Select the gender identity(ies) that best fits you: Female, Male, Trans, Androgynous , Gender-queer, other.”)

Washroom Access. All students have a right to safe restroom facilities and the right to use a washroom that best corresponds to the student’s gender identity, regardless of the student’s sex assigned at birth. Requiring students to ‘prove’ their gender (by requiring a doctor’s letter, identity documents, etc.) is not acceptable. A student’s self-identification is the sole measure of the student’s gender. Where possible, schools will also provide an easily accessible all-gender single stall washroom for use by any student who desires increased privacy, regardless of the underlying reason. Use of an all-gender single stall washroom should be an option students may choose, but should not be imposed upon a student by the school because of the student’s gender identity.

Dress Codes. Schools’ dress codes should be flexible and gender-neutral. Students should not have to choose between what is perceived to be ‘male’ or ‘female’ clothing. Some students are most comfortable in clothing that is not clearly male-identified or female-identified, but rather a combination of the two.

Sports Activities, Gym Classes, and Change Rooms. School staff must ensure students can exercise their right to participate in gender-segregated sports and physical education (P.E.) class activities in accordance with each student’s gender identity.

Students have the right to a safe change-room that corresponds to their gender identity. Transgender or gender non-conforming students have the right to an accommodation that best meets the individual student’s particular needs. Such accommodations can include: (A) access to the change-room as would be afforded to any other student of that gender identity, (B) use of a private area within the public area (a bathroom stall with a door; an area

separated by a curtain; a P.E. instructor’s office in the change-room); (C) a separate changing schedule in the private area (either utilizing the change room before or after the other students); (D) use of a nearby private area (a nearby washroom; a nurse’s office); (E) access to the change room corresponding to the student’s assigned sex at birth, or (F) satisfaction of the P.E. requirement by independent study outside of gym class.

It is not an acceptable accommodation to deny a student the opportunity for physical education. For example: *not allowing* the student to have P.E.; *forcing* the student to choose independent study; *Requiring* a transgender or gender non-conforming student to use the change room corresponding to the student’s sex assigned at birth.

Curriculum Integration and Access to Accurate Information.

Too often, the existence of transgender people is erased or only included in a highly stigmatized way in classrooms, as well as in the media and popular culture. The lack of any positive acknowledgment of transgender issues or transgender history makes it difficult for transgender, gender nonconforming, or questioning young people to feel that they have a place in the world. Unless it is corrected, the omission of transgender and gender non-conforming people from the curriculum creates a misconception among many students that transgender people do not exist or are an object of scorn. Therefore, school board and school staff are expected to challenge gender stereotypes and integrate transpositive content into the teaching of all subject areas in accordance with TDSB policy and procedures and Provincial legislation.

School board and school-based curriculum leaders must integrate trans-awareness and trans-positive advocacy training into staff professional development curricula. Librarians must acquire trans-positive fiction and non-fiction books for school libraries and encourage the circulation of books that teach about gender non-conforming people.

Professional Learning, Advocacy Support, and Role Models.

Often, transgender and gender non-conforming students feel like they are alone in the world. There are very few transgender role models in schools. School leaders should make an effort to hire and retain transgender and gender non-conforming staff.

TDSB policy and Provincial legislation requires school board leaders to ensure staff are educated in, gender diversity, advocacy and anti-transphobia education, in challenging gender stereotypes, and in using gender neutral and inclusive language. School and centrally –based leaders should designate a staff person within the school, or school district, who can act in an extended advocacy role for trans students (e.g., the Positive Space representative).

Student Engagement and Student Leadership.

Schools should support the development of a trans-inclusive GSA (Gay-Straight Alliance).

Ontario Education Act Section 301.

Board support for certain pupil activities and organizations

303.1 (1) Every board shall support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including,

(a) activities or organizations that promote gender equity;

(b) activities or organizations that promote anti-racism;

(c) activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or

(d) activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name. 2012, c. 5, s. 12.

Same, gay-straight alliance

(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use the name gay-straight alliance or a similar name for an organization described in clause (1) (d). 2012, c. 5, s. 12.

School board and school staff should encourage and support scholarships and awards that recognize the unique strength and resilience that transgender and gender non-conforming youth possess. They should support actions, activities and campaigns that are trans-positive and create awareness about and seek to end, transphobia, gender stereotypes, and gender-based violence.

Gender Segregation in Other Areas. As a general rule, in any other circumstances where students are separated by gender in school activities (e.g., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity.

Activities that may involve the need for housing accommodations in order to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make every reasonable effort to provide an accommodation that is acceptable to the student. If, for reasons of privacy or safety, transgender or gender non-conforming students find standard gender-separated housing accommodations or shared accommodations unacceptable, private accommodations should be made available to the student at no additional cost.

*this section has been adapted in part from:

San Francisco Unified School District Policy on Transgender Students Regulation 5163 and documents provided by the Transgender Law Center (<http://transgenderlawcenter.org>)

5. GUIDELINES FOR EMPLOYEES

Transgender or gender non-conforming individuals, have the right to be who they are openly. This includes expressing one's gender identity without fear of unwanted consequences, as well as the right to be treated with dignity and respect.

Gender Expression. All employees have the right to dress in a manner consistent with their gender expression. For transitioning employees, the decision as to when and how to begin to present as the gender they identify as is the individual's choice.

Washroom Access. Employees have the right to use a washroom that corresponds to their gender identity, regardless of their sex assigned at birth. Requiring employees to 'prove' their gender (by requiring a doctor's letter, identity documents, etc.) is not acceptable. The employee's self-identification is the sole measure of their gender.

Where possible, schools will also provide an easily accessible all-gender single stall washroom for use by any employee who desires increased privacy, regardless of the underlying reason. However, use of an all-gender single stall washroom should always be a matter of choice for an employee.

Notification of Transition. An individual employee beginning the transition process should contact their immediate supervisor and the TDSB Human Rights Office, and be prepared to speak about their intentions, needs, and concerns. Individual employees should make these contacts well before a planned transition date.

If the initial contact is made with TDSB Human Rights Office, it is important at some point that the individual's immediate supervisor join their support team. Transitioning individuals should be prepared to help inform and educate their manager and others in order to clarify their needs for accommodation.

Internal and external resources to assist transitioning individuals in this educational effort are listed at the end of this document.

Statement of Confidentiality. The transgender status of an employee is considered confidential and should only be disclosed on a need-to-know basis, and only with the consent of the employee, unless the employee directs otherwise. However, transitioning employees are encouraged to participate in the necessary education of their coworkers at whatever level they are comfortable.

In addition, current and prospective transgender and gender nonconforming employees who encounter problems concerning identification documentation, such as payroll and insurance forms, are encouraged to raise those concerns with the TDSB Human Rights Office directly.

Special Advice for Management & Employee Services. If an employee informs a manager of their intention to transition, or if an employee is currently in the transitioning process, the

manager's support is critical.

If one is the transitioning employee's manager, recognize that your actions will decisively impact the outcome of the transition.

It may be frightening to an employee to be vulnerable to a person upon whom their job depends. Allow the transgender or gender nonconforming employee to educate, or seek information from the resources listed at the end of this document. Show that you are open-minded and discuss with the employee their needs and concerns.

The TDSB Human Rights Office will provide advice and assistance for supervisors working with a transitioning employee.

Managers and supervisors should be careful of voicing personal opinions regarding an employee's appearance. If an employee dresses or behaves in a manner inappropriate for the workplace, this issue should be dealt with in the same manner it would with any other employee.

Contact the TDSB Human Rights Office if you have any questions or concerns.

Further Advice for Managers Regarding the Initial Conversation with a Transitioning Employee. Begin by reassuring the employee that you will be as supportive as possible. Assure the employee that they are covered by the TDSB Human Rights Policy and the Ontario Human Rights Code, both of which recognize the individual's inherent dignity and worth, provide for equal rights and opportunities without discrimination, and aim to create a climate of understanding and mutual respect.

Make it clear to the employee that the conversation will be held in confidence and inform the employee that the TDSB Human Rights Office can assist them during their transition. Ask the employee for their suggestions on what you can do to help.

Confirm who will be the organization's main point of contact (manager or TDSB Human Rights Office) to manage the organizational response to the individual's transition. Schedule a meeting with the employee to discuss and agree upon an action plan to assist the employee in their transition.

Ask the employee if they wish to inform their manager, co-workers, (and students) themselves, or prefer that this to be done for them. Then determine the best timing and method for that process.

Ask the employee if they intend to change their name. If yes, ask what name and pronoun the employee will use and when the employee will want to implement the change.

Discuss the expected timeline and anticipated time off required for any potential medical

treatment, if known. Explain that normal sick pay and leave policies will apply.

Accommodation-based Requests For Transfer. An employee may feel more comfortable working in a different position during and or after their transition. Managers should be prepared to discuss whether the employee prefers to remain in their current position or be redeployed.

In such instances, employees are encouraged to contact the TDSB Human Rights Office in order to facilitate discussions with Elementary, Secondary or Support Staff Employee Services Office, and if required with the appropriate bargaining unit.

Addressing Concerns of Co-workers and Community. A lack of knowledge about transgender issues has the potential for creating misunderstanding and tension in the workplace. Managers should remind all employees that they are expected to conduct themselves in accordance with TDSB Human Rights Policies and Procedures.

In addition to the initial workgroup meeting at which the employee's manager announces the transition (if the announcement was requested by said employee, see Appendix C), managers should arrange trainings or briefing sessions for employees on transgender issues; this will help promote a positive work environment for all employees.

Ideally, Trainings or briefing sessions should be completed prior to the employee's transition. This provides important information to coworkers, managers, and clients on what to expect when the individual begins his or her transition. Establishing some level of comfort as to what the transition is and why it is happening is important for preventing future misunderstandings or issues. However, it is the individual who sets the time-line for their transition, and an individual can not be prevented from transitioning because trainings or briefing sessions have not occurred.

Employees who raise concerns about a transgender co-worker should be referred to the Ontario Human Rights Code, the TDSB Human Rights policies and procedures, and the TDSB's harassment policy and other related policies. They should be informed that they must work cooperatively and respectfully with their co-workers regardless of their gender identity, and that failure to do so could result in corrective action, including termination of their employment.

Pronoun and Name Changes. Employee records and work-related documents should be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) unless and until the individual makes a legal change. Where a person's legal name does not match their new name, the new name should be used on all documentation, such as e-mail, phone directory, company identification card or access badge, name plate, class lists etc., except where records must match the legal name, such as insurance documents.

In everyday written and oral speech, the new name and pronouns should be used when the employee indicates he or she (or possibly another gender pronoun variant, see below) is ready.

Intentionally addressing an employee by the incorrect name or pronoun may be considered a form of discrimination and is not condoned. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use a student's gender identity.

Employees who wish to use pronouns other than the masculine or the feminine (such as 'ze', 'hir' and 'they') need to be accommodated equally.

NOTE: Students and employees who wish to use gender-neutral and gender inclusive language in TDSB schools and workplaces should be supported to do so. For example, some people do not feel included in the generic binary of "he or she". Students and staff may wish to write in such a way as to avoid it. An increasingly common and accepted strategy is to use "they" as a gender-neutral singular pronoun, as this document often does. (For a useful legally-oriented source on this, please see www.editorscanberra.org/a-singular-use-of-they/)

Surgeries. The process of transition may include one or more surgeries. In addition to genital surgery, surgeries can include facial feminization or other feminizing procedures for those transitioning from male to female, or chest reconstruction or other surgeries for those transitioning from female to male. Recognize that a transitioning employee may or may not have these surgeries for any number of personal reasons and, furthermore, that surgery in and of itself is not the goal or purpose of a gender transition.

Medical information, including surgery plans communicated by an employee, must be treated confidentially.

APPENDIX A:

Connections to the Education Act and Ministry of Education Policy and Program Memorandums:

- All students should feel safe at school and deserve a positive school climate that is inclusive and accepting, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity*, gender expression*, age, marital status, family status or disability. (Education Act : Subsection 169.1)
- To create schools in Ontario that are safe, inclusive and accepting of all pupils.
- To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia, transphobia or biphobia.
- To address inappropriate pupil behaviour and promote early intervention.
- To provide support to pupils who are impacted by inappropriate behaviour of other pupils.
- To establish disciplinary approaches that promote positive behaviour and use measures that include appropriate consequences and supports for pupils to address inappropriate behaviour.
- To provide pupils with a safe learning environment.

2012, c. 5, s. 6. (*Education Act: Part XIII; 300.0.1*)

- All students should feel safe at school and deserve a positive school climate that is inclusive and accepting, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability (Education Act : Subsection 169.1)
- The school climate may be defined as the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the learning environment to support a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of the prevention of inappropriate behaviour. (PPM 145)
- School board policies must be comprehensive and must cover the prohibited grounds of discrimination set out in the Ontario Human Rights Code. The code prohibits discrimination on any of the following grounds: race, colour, ancestry, place of origin, citizenship, ethnic origin, disability, creed (e.g., religion), sex, sexual orientation, gender identity, gender expression, age, family status, and marital status. Boards may also address related issues resulting from the intersection of the dimensions of diversity that can also act as a systemic barrier to student learning. (PPM 119)

APPENDIX B:
Human Rights in Ontario – Gender Identity and Gender Expression

Excerpt from The Ontario Human Rights Commission’s Policy on Discrimination and Harassment Because of Gender Identity

Ontario’s Human Rights Code

The Ontario *Human Rights Code* (the *Code*) provides for equal rights and opportunities, and freedom from discrimination. The *Code* recognizes the dignity and worth of every person in Ontario, in employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.

Gender identity and gender expression are explicitly protected under in the Ontario Human Rights Code. This includes transsexual, transgender and intersex persons, cross-dressers, and other people whose gender identity or expression is, or is seen to be, different from their birth-identified sex.

Discrimination and harassment

Discrimination because of gender identity is any action based on a person’s sex or gender, intentional or not, that imposes burdens on a person or group and not on others, or that withholds or limits access to benefits available to other members of society. This can be obvious or subtle. Discrimination can also happen on a bigger, systemic level, such as when a rule or policy may appear to be neutral, but is not designed in an inclusive way. This may harm the rights of people because of their gender identity.

Harassment is a form of discrimination. It includes comments, jokes, name-calling, or behaviour or display of pictures that insult or demean you because of your gender identity.

No person should be treated differently while at work, at school, trying to rent an apartment, eating a meal in a restaurant, or at any other time, because of their gender identity.

Example: A transgender person answers an ad for an apartment. The superintendent says there are no units available, even though there are.

Example: An employee tells his manager that he cross-dresses. His manager says he will no longer qualify for promotions or job training, because customers and co-workers will not be comfortable with him.

Example: A transgender woman is not allowed to use the women’s washroom at her place of work. Her manager defends this by explaining that other staff have expressed discomfort. This workplace needs a policy that clearly states that a transgender employee has the right to use this washroom, while providing education to resolve staff concerns and to prevent future harassment and discrimination. Organizations cannot discriminate, must deal with harassment complaints, and must provide a non-discriminatory environment for transgender

people. This also applies to “third parties,” such as people doing contract work or who regularly come into contact with the organization. Individuals should be recognized as the gender they live in, and be given access to washrooms and change facilities on this basis, unless they specifically ask for other accommodation (such as for safety or privacy reasons).

The duty to accommodate

Under the *Code*, employers, unions, landlords and service providers have a legal duty to accommodate people because of their gender identity. The goal of accommodation is to allow people to equally benefit from and take part in services, housing or the workplace.

Accommodation is a shared responsibility. Everyone involved, including the person asking for accommodation, should cooperate in the process, share information, and jointly explore accommodation solutions.

Example: A transgender man raises safety concerns due to threats in the men’s locker room at his gym. The gym manager takes steps against the harassers, and explores possible solutions with the client, such as privacy partitions for all shower and change stalls in the men’s locker room, or a single-occupancy shower and change room. They provide him with access to the staff facilities until a final solution is found.

Example: A transgender woman is strip-searched by male police, even though she has asked to have female officers do this type of search. The police service says that a male officer must be involved in the search because the person has not had sex reassignment surgery. The Human Rights Tribunal of Ontario has ordered that a trans person who is going to be strip-searched must be given three options: the use of male officers only; the use of female officers only; or a search involving both male and female officers.

Keeping information private

An employer or service provider must have a valid reason for collecting and using personal information, such as from a driver’s licence or birth certificate, that either directly or indirectly lists a person’s sex as different from his or her lived gender identity. They must also ensure the maximum degree of privacy and confidentiality. This applies in all cases, including employment records and files, insurance company records, medical information, etc.

Re: Consultation document – revised criteria for change of sex designation on an Ontario birth registration - See more at: <http://www.ohrc.on.ca/en/re-consultation-document-%E2%80%93-revised-criteria-change-sex-designation-ontario-birth-registration>

1. Suggested criteria

As noted in the XY decision, the Ministry of Transportation’s criteria for changing the sex designation on a driver’s licence require a letter from a licensed physician stating that the person has been examined and that, in the physician’s opinion, the change of sex designation would be appropriate. This approach is a less discriminatory process than the one under the Vital Statistics Act considered in the XY decision. In our experience, it appears that most transgender people have consulted physicians, and obtaining such a physician’s letter should

not prove to be too onerous. We suggest that such a physician's letter would be a sufficient criterion.

However, we also suggest that such a physician's letter should not be a necessary criterion. As society's awareness and understanding of gender identity develops, the Commission's position is that people should be recognized based on their lived and internally-felt gender identity. We note that the World Professional Association for Transgender Health "strongly urges the de-psychopathologisation of gender variance worldwide" (press release, May 26, 2010).

In the circumstances, we recommend that you also consider other criteria that are more respectful, less intrusive and less medicalized than the provision of a physician's letter. For example, there may be many persons – psychologists, social workers, nurses, school or college or university officials, therapists, employers, members of one's family, faith community or others – who could confirm that a person is transgender, or is living publicly in the gender that is consistent with the change that they are requesting to their birth registration. It is the social presentation of one's felt gender, rather than a particular physical or sexual feature, genetic makeup or medical history that is at issue when considering a change to the sex designation on a document. Based on our work with members of the trans community, this expansion of criteria may be seen by many as more appropriate.

- See more at: <http://www.ohrc.on.ca/en/re-consultation-document-%E2%80%93-revised-criteria-change-sex-designation-ontario-birth-registration#sthash.OGgmyS1R.dpuf>

2. Should the criteria be different for people under the age of eighteen?

From the Commission's perspective, the criteria for people under the age of eighteen should be no more stringent than the criteria for adults. We are aware of more teenagers now expressing their gender identity. We also note that the Australian Human Rights Commission has recommended that the special needs of children and young people who wish to amend their documents should be considered.

See Recommendation 4 in the 2009 *Sex and Gender Identity Project* concluding paper at: http://www.hreoc.gov.au/genderdiversity/sex_files2009.html

For more information

The Ontario Human Rights Commission's **Policy on Discrimination and Harassment Because of Gender Identity** and other publications are available at www.ohrc.on.ca.

To talk about your rights or if you need legal help, or to make a human rights complaint – called an application – contact the:

Human Rights Legal Support Centre

Tel: 416-597-4900

Toll Free: 1-866-625-5179

TTY: 416-597-4903

TTY Toll Free: 1-866-612-8627

Website: www.hrlsc.on.ca

APPENDIX C:

Job-Related Planning for a Gender Transition

These are the recommended steps in an on-the-job transition for a transgender employee. It may be appropriate to adapt this generic process to fit an individual person's needs.

Advance Preparation

1. The transgender employee meets with Human Rights Office. The employee shares their transgender status and intent to transition.
2. The same Human Rights Office person and the employee meet with the employee's immediate manager to share the individual's intent to transition.
3. The appropriate set of stakeholders should be identified to plan the workplace transition. This will include the employee, their manager and the Human Rights Office representative. If necessary, involve others such as the Gender-Based Violence Prevention Office.
 - Consider which people in the company you may need to have engaged at some point during the transition and when they need to be engaged.
 - Consider any specific issues that need to be addressed sooner rather than later.
4. Plan the transition. Include ways to address or resolve the issues listed here:
 - a. The date of the transition, i.e., the first day of the change of gender expression, pronoun usage, and name. *Recognize that the date of the transition will be driven primarily by the employee's situation and concerns.*
 - b. How employee's clients or students will be informed of the change. *If there is to be a general announcement, the employee may choose to talk to some of their co-workers to disclose plans on a one-on-one basis, before a broader statement is made.*
 - c. The need to book an educational workshop. "Transgender 101" with the Gender-Based Violence Prevention Office is provided to all staff.
 - d. What changes will be made to records and systems, and when.
 - e. How current benefits and policies against discrimination and harassment will protect this employee.
 - f. That all employees have the right to dress in accordance with their gender expression.
 - g. That all employees have the right to use a washroom that corresponds to their gender identity.
 - h. Any time off that may be required for medical treatment, if known.
5. Make arrangements in advance for name changes to be effective on the day of transition, so that nameplates, badges, etc., will be available on the first day.

Communication Plan and Professional Development

1. Hold a workgroup meeting, or include this in an already-scheduled face-to-face meeting. Everyone in the workgroup whom the employee interacts with often should be included. *Do not do this by e-mail.* A handout is optional in conjunction with the face-to-face meeting. The employee should choose whether to be personally present at this meeting, depending on the employee's comfort level.
2. The manager of the workgroup (the department head, for example) should make the announcement, in conjunction with the highest level manager in the group, to show support. The manager should:
 - a. Make it clear that the transitioning employee is a valued employee and has management's full support in making the transition.
 - b. Explain the Board's policy and recommendations.
 - c. Stress that on the transition day the employee will present him or herself consistently with their gender identity and should be treated as such; for example, he or she (or possibly another gender pronoun variant, see above) should be called by the new name and new pronouns.
 - d. Lead by example. Use the new name and pronouns in all official and unofficial communication.
 - e. Make it clear that the transition is "no big deal" and that work will continue as before.
 - f. Answer people's questions.
 - g. Announce the timing of a mandatory "Transgender 101" to take place before the transition.

The First Day of Full-Time Workplace Gender Transition

On the first day of transition, the employee's manager should take these steps, much as they would for a new or transferred employee:

1. Issue a new company identification badge with a new name and photo.
2. Place a new nameplate on door/desk/cubicle/workstation.
3. Update any organization charts, mailing lists and other references to the new name.
4. Issue paperwork for the Employee services employee database, effective the first day of transition, to change the following:
 - a. New name.
 - b. Change the gender marker ("M" or "F" or "trans", as requested).
 - c. Update the e-mail address if it contains the old name.
 - d. Order to business cards, ideally to have ready for the first day.
5. The manager should plan to be on site with the worker the first day to make introductions, support the worker, ensure respectful and inclusive treatment and make sure that work returns to normal after a few hours.

APPENDIX D:

Ways in which a school can be made a safer and gender-affirming place for transgender and gender non-conforming youth

If a student talks to you about their gender identity, listen in a respectful and non-judgmental way. Do not brush them off, react with scepticism or disapproval, or pressure them into any particular category. Support them in developing their own understanding of their gender and direct them to resources for transgender, gender nonconforming and questioning youth. Do not “out” a young person or disclose their gender identity to another without permission.

Avoid perpetuating gender stereotypes. Many of us enforce gender norms without even realizing it, but these stereotypes hurt everyone, especially transgender young people, gender non-conforming young people, and young women. Think carefully about the messages in everything you say, do, teach, or communicate about gender. Are you complimenting girls more often on their appearance but boys more often on their athleticism? Do you ever imply there is something wrong with men who behave in stereotypically feminine ways? Do you discipline girls more harshly than you would otherwise if they seem “masculine” or “butch” to you? Does your language ever equate gender (the way people view themselves and express their genders) with genitals (a persons birth sex and anatomical designation) or otherwise imply that the gender identities of transgender people are not “real”?

Intervene and take action when students use gender-specific terminology to make fun of each other. When students make fun of each other with terms like “sissy,” “pussy,” “faggot,” “dyke,” “homo,” “freak,” “it,” “he-she,” “bitch,” or “gay” and faculty fail to intervene, these words are perceived as acceptable. The use of such language further alienates transgender and gender non-conforming in schools and perpetuates discriminatory stereotypes about gender, gender identity and sexual orientation.

Create gender-neutral and / or mixed gender spaces. Be mindful about the ways in which single-gender teams and/ or groups (like girls-only groups and boys-only groups) can alienate transgender and gender non-conforming students. Proactively create spaces for transgender and gender non-conforming students within these groups and/or create additional spaces for transgender and gender non-conforming students.

Ensure that employment opportunities at your school are open to transgender and gender non-conforming people. Recruit at transgender focused events, job fairs, locations, and web sites. Ensure that current and prospective employees are not discriminated against or harassed on the basis of gender identity or any other non-job related characteristic.

Listen to criticism from transgender, gender non-conforming, and questioning students. Take such criticism seriously without becoming defensive; such feedback is an important opportunity to learn and grow.

APPENDIX E: ANNOTATED RESOURCE LISTS

TDSB Resources

Gender-Based Violence Prevention Office, TDSB

Contact: Kenneth.Jeffers@tdsb.on.ca

<http://www.tdsb.on.ca/GBVP>

[The Gender Based Violence Prevention Office supports two monthly groups for gender independent children and youth, and their parents/guardians/caregivers. Contact the office to access these groups.](#)

The Human Rights Office, Toronto District School Board,
5050 Yonge Street, Toronto, M2N 5N8

Contact: Patricia.Hayes@tdsb.on.ca

Phone: 416-393-1028

The Triangle Program: a safe, harassment-free, equity-based environment where Lesbian, Gay, Bisexual and Trans (LGBT) youth can learn and earn academic credits.

Contact: (416) 406-6228 x169, <http://schools.tdsb.on.ca/triangle>

Live Support for Trans Youth and their Families in Toronto

Please note that these listings were accurate as of September 2013, however groups and meeting times can change. Please contact the group before referring a young person there, or attending a meeting.

PFLAG Toronto chapter:

115 Simpson Ave, Suite 105

Toronto, ON M4K 1A1

Support line: (416) 406-6378

Administrative line: (416) 406-1727

(Tuesday, Wednesday, Thursday only)

Email: toronto@pflag.ca

Web: www.pflagcanada.ca/chapters/Toronto/html/home.htm

Queer Family Mixer:

A monthly family resource program for LGBTQ parents, grandparents, caregivers, their partners and children (0 to 6 years) and families with young gender independent children. This is a play-based group offering support, snacks, activities, music, toys, discussions & resources First Saturday of each month from 10:30 am to 1:30 pm at The 519 Community Centre.

Transceptance:

A Toronto-based peer support group for parents of transsexual and transgendered youth and

adults. The group currently meets monthly at Central Toronto Youth Services to provide support, reduce isolation and stress, share information, and among other things aid with disclosure strategies. For more information, contact Karen Brookfield, 416-924-2100, ext. 241, karen.brookfield@ctys.org or see <http://www.ctys.org/category/groups/#transceptance>

Annual Events in Toronto

- Sherbourne Health Centre's **Trans Pride Day**, usually held the 2nd Thursday in May.
- **Trans Pride March**, on the Friday before Toronto Pride, the trans community organizes a march and celebration of the contributions of trans people to the community.

Trans Day of Remembrance, November 20th, put on by Trans Programmes at the 519 Church Street Community Centre to "mark various forms of oppression that increase violence and limit protections" for trans community members.

Live Support for Trans Youth and their Families Outside of Toronto

- **Philadelphia Trans-Health Conference** (usually the 1st weekend in June) <http://www.transhealth.org/> While the conference is open to all trans people of all ages, they have special programs for children and youth, and parents can attend open sessions. Free.
- **Camp Aranu'tiq** (two one week camps, July-August) <http://www.camparanutiq.org/> Camp Aranu'tiq is a weeklong, overnight summer camp for transgender and gender variant youth ages 8 through 15.
- **Gender Spectrum Family Conference** (July) <http://www.genderspectrum.org/> Focuses on the needs of gender variant children and their families. There is a camp for gender variant children (with three age groups), program for siblings, and program for parents.
- **Gender Odyssey Family Conference** (early Aug.) <http://www.genderodysseyfamily.org/> Part of a larger conference for trans people of all ages, this conference offers a camp for children, programming for parents and a teens track.

Camp Ten Oaks (summer) <http://www.camptenoaks.org/> Based in Ottawa, Ten Oaks offers a week-long summer camp for children of LGBTQ (lesbian, gay, bisexual, trans, two-spirit, queer) and/or non-traditional families, youth who are themselves LGBTQ, and their allies.

On-line Resources for Trans Youth and their Families

- **Gender Creative Kids Canada:** Based in Montreal this provides information, news, and a service providers' directory <http://gendercreativekids.ca/>
- Pride Education Network B.C. **The Gender Spectrum.** a K-12 resource created by educators at The Pride Education Network B.C. for use in schools: <http://pridenet.ca/staff-resources>
- Public Health Agency of Canada, **Questions and Answers: Gender Identity in Schools.** http://publications.gc.ca/collections/collection_2012/aspc-phac/HP5-97-2-2011-eng.pdf
- Transcend Transgender Support & Education Society (n.d.). **TransForming Community: Resources for trans people and their families.** Available on line: http://www.hawaii.edu/hivandaids/TransForming_Community_Resources_for_Trans_People_and_their_Families.pdf
- Vancouver Coastal Health, Transcend Transgender Support & Education Society, and Canadian Rainbow Health Coalition (2006). **An advocacy guide for trans people and loved ones:** www.vch.ca/transhealth/resources/library/tcpdocs/consumer/advocacy.pdf.
- **Families in TRANSition: A Resource Guide For Parents of Trans Youth.** Created by Central Toronto Youth Services this contains quotes from many local families with trans teens. http://www.ctys.org/sites/default/files/familiesintransition-a_resource_guide_for_parents-080608.pdf
- **Mermaids:** a UK-based support for transgender children, their families and caregivers that contains stories, advice, and open letters from parents to parents. See "How Parents May React and Why" (2000): <http://www.mermaidsuk.org.uk/>
- **Rainbow Health Ontario:** A province wide service providing resources and information on matters of LGBTQ health. It includes a wide resource data base and a provider data base. The main site is here: <http://www.rainbowhealthontario.ca> Their **fact sheet on supporting gender independent children** can be found here: http://www.rainbowhealthontario.ca/admin/contentEngine/contentDocuments/Gender_Independent_Children_final.pdf
- **If you are concerned about your child's gender behaviour.** An affirming and positive resource from the Washington D.C. based The Children's National Medical Center. <http://www.childrensnational.org/files/PDF/DepartmentsandPrograms/Neuroscience/Psychiatry/GenderVariantOutreachProgram/GVParentBrochure.pdf>.

- **TransKids Purple Rainbow:** A U.S. based parent support group started by Jazz's family. <http://www.transkidspurplerainbow.org/>
- **TransParent Canada:** a parent-to-parent support network, www.transparentcanada.ca
- **Trans Youth Family Allies:** A U.S. group founded by parents who want to support their gender independent children. <http://www.imatyfa.org/>

Reading Material for Families of Trans Youth

- Brill, S. and r. Pepper. (2008) ***The Transgender Child: A Handbook for Families and Professionals***. U.S.A. Cleis Press.
- Ehrensaft, Diane. (2011). ***Gender Born, Gender Made: Raising Healthy Gender-Nonconforming Children***. New York: The Experiment.
- Lev, A.I. (2004). "Family emergence." ***Transgender emergence: Therapeutic guidelines for working with gender-variant people and their families*** (pp. 271- 314). New York: Hawthorn Press.
- (Just) Evelyn ***Mom, I need to be a girl*** (online versions available in Arabic, English, French, German, Portuguese and Spanish: <http://ai.eecs.umich.edu/people/conway/TS/Evelyn/Evelyn.html>)
- ***Transgender Issues in Books for Youth, Children and Their Allies*** (multi-page listing), compiled by Nancy Silverrod, Librarian, San Francisco Public Library, nsilverrod@sfpl.org

Films and Documentaries about Trans Youth or Young Adults and their Families

- ***Girl Inside*** (2007), a Canadian documentary directed by Maya Gallus that follows Madison, a 26-year-old trans woman, over her three-year transition. Focuses on family relationships. 78 mins.
- ***Just Call me Kade*** (2002), a documentary directed by Sam Zolten about 14-year-old Kade Farlow Collins, a trans boy living with his understanding family in Tucson, Arizona. 26 mins.
- ***Ma Vie en Rose*** (1997), directed by Alain Berliner. A fictional story of 7-year-old Ludovic, born a boy, who is convinced she was meant to be a girl. Wide-release.
- ***Middle C*** (2007), produced by Carma Jolly and Tristan Whiston for CBC Radio One (Outfront). A multiple award-winning two-part radio documentary of Tristan Whiston's story of female-to-male transition, including family discussion and perspectives.
- ***Red Without Blue*** (2007), a multiple award winning American documentary directed by Brooke Sebold, Benita Sills and Todd Sills. Shot over 3 years, this is a poignant and compelling story of 20-something Mark and Clair, born identical twins, coming out as a gay man and a trans woman, respectively. Featuring candid interview material with family members, the film examines a family's transformation over time. 77 minutes.
www.redwithoutblue.com
- ***The Day I Decided...to be Nina*** (2000), a documentary directed by Ingeborg Jansen from the Netherlands, featuring 11 year old Guido, born male, who, with family support, is now living part-time as the girl she's always wanted to be. English subtitles, 15 mins.

Supportive External Organizations for Trans Youth in Toronto

- ***Central Toronto Youth Services (CTYS):***
Pride & Prejudice Program (for queer and trans youth aged 25 and under),
65 Wellesley St. East, Suite 300 in Toronto.
(416) 924- 2100 x245.
Offers free individual and group counselling,
www.ctys.org/programs/prideprejudice.htm

- **Lesbian Gay Bi Trans Youth Line:**
A free peer support phone line for lesbian, gay, bisexual, transgender, transsexual, two-spirit, queer and questioning youth. Sunday to Friday, 4:00 to 9:30 p.m.
Tel: 416) 962-9688
Toll Free (Ontario-wide) 1-800-268-9688.
TTY service: 416-962-0777
Text message support: 647-694-4275
Via instant message at: www.youthline.ca/
- **Supporting Our Youth (SOY):**
At the Sherbourne Health Centre, houses many youth groups, all of which welcome trans and 2-spirit youth. The Trans_Fusion_Crew (TFC) is a social space dedicated for TG/TS/genderqueer/gender-questioning youth. Every other Thursday 6:00-9:00 p.m.,
Contact: (416) 324-5078, tfc@sherbourne.on.ca
- **Trans Youth Toronto!:**
TYT is a drop-in for transsexual and transgendered youth aged 26 and under, offering social space, access resources, information and referrals. Wednesdays 5:00-9:00 p.m. at the 519 Community Centre, 519 Church St.
Contact: (416) 392-6878, x331,
www.the519.org/programs/trans/tyt.shtml

Reading Material for Trans Youth

- ***Bending the mold: An action kit for transgender youth.*** A joint publication by Lambda Legal and the National Youth Advocacy Coalition (NYAC), available on line:
www.nyacyouth.org/nyac/Bending%20the%20Mold-final.pdf
- ***Beyond the Binary: A Tool Kit for Gender Identity Activism in Schools.*** The GSA Network available for download at:
<http://gsanetwork.org/files/resources/btbonline.pdf>
- ***I think I might be transgender, now what do I do?*** A 2004 brochure by and for transgender youth by Advocates for Youth. Available in [Amharic](#), [Chinese](#), [English](#), [French](#), [Spanish](#) and [Vietnamese](#) from:
http://www.advocatesforyouth.org/index.php?option=com_content&task=view&id=731&Itemid=177
- ***Let's talk trans: A resource for trans and questioning youth.*** A 2006 joint publication by Vancouver Coastal Health, Transcend Transgender Support & Education Society and

Canadian Rainbow Health Coalition. Available on line:
www.vch.ca/transhealth/resources/library/tcpdocs/consumer/youth.pdf

Trans-positive Medical Care in Toronto

- **Hassle Free:** 66 Gerrard St. East, 2nd floor— offers free STI and anonymous HIV testing, and sexual health counselling. TG and TS folks welcome at both the women’s (416) 922- 0566 and men’s clinics (416) 922-0603. No one refused services without a health card. Wheelchair accessible. www.hasslefreeclinic.org
- **Health Centre at 410 (St. Michael’s Hospital):** 410 Sherbourne Street, (416) 867-3728—has been working well with trans people for years. www.stmichaelshospital.com
- **Sherbourne Health Centre:** 333 Sherbourne Street, (416) 324-4180 —has worked hard to consult with trans communities, and has several trans people on staff, including receptionists, counsellors, and doctors. Wheelchair accessible. The Sherbourne Health Centre’s wait list has been closed since September 2011. www.sherbourne.on.ca
- **The House (Planned Parenthood of Toronto):** 36B Prince Arthur Avenue. (416) 961-0113—offers interdisciplinary health care to youth ages 29 and under. www.ppt.on.ca
- **The SHOUT Clinic:** 467 Jarvis St. (416) 927-8553—a trans-positive medical drop-in, catering to (but not exclusively for) street involved and homeless youth ages 25 and under where you can get services, even if you are undocumented and/or don’t have a health card. Lift to the main floor, barrier-free bathrooms. www.ctchc.com

This document has been reviewed for equity - 2011-11-30