RESPECT FOR HUMAN DIVERSITY

Gender Identity and Expression Guidelines for Employees

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River East Transcona
SCHOOL DIVISION
creating student success

GUIDING PRINCIPLES

It is River East Transcona School Division's (RETSD) responsibility to ensure the physical and emotional safety of all employees. Gender identity is a protected ground under the *Manitoba Human Rights Code*. It is unlawful to discriminate against someone based on their gender identity or gender expression. We want to ensure employees of all gender identities and expressions feel safe and welcome in our workplace.

PURPOSE

These guidelines support the RETSD Policies ACF - *Respect for Human Diversity* and AC – *Human Rights,* ensuring a learning environment that is free from discriminatory practices based on gender identity and gender expression.

These guidelines apply to:

- All employees, parent(s)/legal guardian(s), trustees, volunteers, and third parties such as in-school childcare program employees
- Situations that occur outside work hours but have an impact on the environment of the workplace

Guidelines have been designed to raise awareness and help protect against discrimination and harassment and to encourage embracing and learning from diversity and difference. This document is intended to support trans[1]* staff in RETSD. It is important that we recognize that all members of the division are entitled to particular supports and protection.

[1] In line with current language used by Rainbow Resource Center, this document used the word Trans* as the umbrella term that includes, but not limited to, many individuals that represents many individuals that cross, challenge and transcend traditional definitions of male and female.

PRIVACY/CONFIDENTIALITY

All people within RETSD have a right to privacy regarding their personal information. Someone's gender identity or gender expression is to be considered private and confidential information and safeguarded appropriately. Staff are not permitted to disclose an employee's gender identity or gender expression status to others unless the employee has given permission or there is a specific situation in which the information must be disclosed.

At times, it may be appropriate for staff to be aware of an employee's trans* status. Where possible, the employee is to be allowed to control who is aware of their status. An employee's right to confidentiality is to be strictly maintained at all times.

Employees are encouraged to discuss when, with whom, and how much of their private information to share with others. Staff will offer the employee an opportunity to review and/or request deletion of any information relating to gender identity or expression contained in their official records.

Employees are encouraged to participate in the education of their co-workers at whatever level they are comfortable; however, it is not the trans* person's responsibility to educate others.

SELF-IDENTIFICATION

A person's self-identification is the sole measure of their gender. It is not appropriate to question or challenge another person's gender identity or expression.

NAMES/PRONOUNS

Employees have a right to be addressed by a chosen name and pronoun. A legal name or gender change is not required, and the employee does not need to change their official records.

The intentional or persistent refusal to respect an employee's gender identity or expression may be considered a form of harassment. This does not apply to inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use an employee's chosen name and pronoun.

In the event of formal employee discipline, where written documentation is required, the employee will be referred to by their legal name.

Employee Records

The division and/or schools will maintain an employee record under the individual's legal name (as reflected on identification documents verified at the start of employment). The division and/or schools will not use the employee's legal name, sex or gender in other school records unless legal name is required (e.g. insurance documents).

The division and/or schools will use employee's gender and chosen name wherever possible (e.g., email, teacher website, phone directory, company identification card or access badge, name plate, class lists)

The division and/or schools will change an employee's official record to reflect a change in legal name upon receipt of legal documentation that such legal name has been changed.

WASHROOM ACCESS

Employees have the right to access the washroom of their choice at school/work locations and during field trips.

Employees who request increased privacy will be offered accommodations that meets their needs. For example, access to an all-gender, single-stall washroom will be provided, where possible, but no employee will be required to use such a washroom.

Access to single-stall facilities is to be an easy process where the individual does not have to draw attention or request a key every time access is needed.

PROFESSIONAL LEARNING

Under RETSD policy and provincial legislation, school division leaders must ensure staff is provided with professional learning that increases their capacity to support others on issues regarding all aspects of human diversity, including gender identity and expression

All RETSD employees are required to complete training in the area of promoting respect for human diversity, through Smarter U.

REQUESTS FOR ACCOMMODATION

It is recognized that specific accommodation requests will be assessed on an individualized basis and accommodations will be offered to meet the needs of the employee who is making the request.

An employee's needs may change over time and may be different throughout various contexts (e.g., home, workplace, peers and community). Accommodations must be flexible and unique to each

employee and decision making must include the employee. An accommodation that works for one employee cannot simply be assumed to work for another.

Any staff approached with a request for accommodation should respond with sensitivity and compassion in a prompt and supportive manner. The administrator/manager/director/supervisor of the work location must be notified.

Requests for accommodation of specific needs should be made to the employee's immediate supervisor and the human resources department. Employees are encouraged to be as proactive as possible in identifying any needs that may require accommodation.

An accommodation request may come in the form of a verbal request, a written request or by email communication.

- Employees are encouraged to put the request in writing.
- Staff will comply with the employee's need for confidentiality.

RESOLVING CONFLICT

Issues are to be promptly acted upon by the administrator/manager/director/supervisor of the work location. Employees must clearly see that there are swift consequences for transphobic or prejudicial behaviour or attitudes.

Complaints alleging discrimination or harassment based on a person's actual or perceived trans* status must be handled in accordance with RETSD policies and the Code of Conduct, and will reference, as necessary, The Canadian Charter of Rights and Freedoms and the Manitoba Human Rights Code. The divisional policies include but are not limited to the following:

- Policy AC— *Human Rights*
- Policy ACF— *Respect for Human Diversity*
- Policy GBA— *Reasonable Accommodation*
- Policy GBA-R— *Reasonable Accommodation and Accessibility Procedure*
- Policy GBAA— *Respectful Schools and Workplaces *Harassment (Employees)*
- Regulation GBAA-R— *Respectful Schools and Workplaces Regulation *Harassment (Employees)*
- Policy JICDAA— *Safe, Caring, and Respectful Schools*
- Policy JICDAB— *Freedom from Bullying*
- Policy KE—*Concern Protocol*
- Policy KE-R— *Concerns and Complaints Procedures*

ROLES AND RESPONSIBILITIES

The division—under the leadership of the superintendent, will implement board policy and establish administrative procedures and/or regulations on human diversity practices within RETSD. The division will also provide training and professional learning for teachers and other staff in areas of bullying prevention and human diversity. The division sets the standards for conduct and develops procedures and protocols for addressing unacceptable conduct or discrimination. The division will also determine what reporting and data collection will be undertaken. The division will identify and recognize special days and events related to trans* people.

Administrators/managers/directors/supervisors—play a leadership role in promoting safety and acceptance and in ensuring a safe and inclusive work environment. Administrators/managers/directors/supervisors communicate and reinforce expectations of the Respecting Human Diversity policy to their employees and encourage their participation in professional learning and training on bullying prevention, human diversity and related topics. Administrators/managers/directors/supervisors hold those who disrespect human diversity accountable by following established processes and protocols and maintaining appropriate records. Please refer to the Gender Identity and Expression Checklist for Employees and the Gender Identity and Expression – Accommodating Staff Transition Checklist.

Employees—model inclusiveness and respect for human diversity and play a key role in communicating and reinforcing expectations of the Respecting Human Diversity policy. They support their co-workers on issues of human diversity and empower them to treat each other with dignity and acceptance. Employees also have a duty to report matters of cyberbullying to their administrator/manager/director/supervisor, whether it is believed to be happening at work or outside of work. Participation in professional development and training is essential in ensuring employees have the tools and knowledge they need to deal appropriately and effectively with sensitive issues regarding bullying prevention and human diversity.

Students—have responsibility to monitor their own interactions and conduct in ways that are respectful and ensure a safe and inclusive school environment, particularly toward those previously identified as being at higher risk for bullying or discrimination.

School community members and groups/volunteers—are diverse and the contributions they make to schools are valued and encouraged; they have a personal responsibility to conduct themselves in a way that respects the human diversity policy.

REFERENCES AND ADDITIONAL RESOURCES FOR FURTHER LEARNING:

Rainbow Resource Center website: Rainbow Resource Centre