



Transitioning in the Workplace Information: For those supporting an employee

Overview and Purpose

The Humber College Institute of Technology and Advanced Learning and the University of Guelph-Humber (hereafter referred to as "Humber" or "the College") is committed to fostering a respectful and inclusive culture in which all members of the College community study, work and live free from discrimination and harassment.

The College has the right, as well as the legal and moral responsibility, to ensure that all its members are treated fairly, equitably, and respectfully in order to provide a learning, working, and living environment free from discrimination and harassment based on gender identity and gender expression; and one in which transgender and gender non-binary individuals are included, respected, and encouraged to be their authentic selves as members of the College community. This Guideline outlines Humber's position on the responsibilities of the College, students, and employees with respect to protecting gender expression and gender identity consistent with the Human Rights Code (hereafter referred to as the "Code").

This document should be read in conjunction with Humber's [Human Rights & Harassment Policy](#) and [Gender Diversity Policy](#).

Scope

A transitioning employee may find themselves experiencing a myriad of emotions, from joy to frustration. It is essential that they find themselves in a supportive and inclusive environment and that they know where to seek help when needed. There are many ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others, it happens more quickly. Every person's transition journey is unique and valid. A transition may include "coming out" (telling family, friends, and coworkers), changing their name and/or sex on legal documents, and/or accessing medical treatment such as hormones and surgery.

Note: The above is not an exhaustive list of requirements required to transition. Each transition is an individual journey and is valid.

This document has been prepared to assist employees (i.e. managers, directors, etc.) who are supporting employees that are transitioning and/or changing their name in the workplace.

For additional definitions, please refer to Appendix B.

Privacy and Confidentiality

Employees have the right to discuss their gender identity or expression openly or to keep that information private. The employee has the right to decide which information, when, and with whom it is shared. Personal and private (confidential) information that may reveal that an employee is trans, non-binary, or gender diverse cannot be disclosed unless the employee has provided explicit written consent.

Every effort must be made to maintain the employee's privacy and confidentiality. This means limiting the number of people involved to keep records confidential. ITS and/or HRMS systems specialists, etc., do not need to know the reasoning behind a name change request. Any records indicating an employee's previous name should be changed/destroyed/removed as much as is legally possible. Please consult with the appropriate departments before altering any documents.

Official records

Humber will change an employee's official employee record to reflect a change in name and/or gender upon request from the employee. Certain types of records, such as those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's chosen name without proof of a legal name change. Refer below for a list of documents and records to consider.

Note: All employees have the right to be addressed by the name and pronoun(s) corresponding to their gender identity(ies) and gender expression(s). Official records will also be changed to reflect the employee's name(s) and gender(s) upon their request. This should be done with great care and expediency. Do not continue to refer to an employee by a previous name during this process. The continual refusal or failure to address an employee by their chosen name(s) can result in gender-based harassment¹ and can have severe negative impacts on the well-being of the employee.

Names/ pronouns

An employee has the right to be addressed by the name(s) and pronoun(s) that correspond to their gender identity(ies). A legal name change or legal gender marker change is not required.

Note: The intentional or persistent refusal to respect an employee's gender identity could constitute harassment and discrimination and is a violation of the *Ontario Human Rights Code*, Humber's Human Rights Policy, and Humber's Gender Diversity Policy.

Benefits

For information about Benefits, please contact the [Compensation and Benefits team](#).

¹ <https://www.canlii.org/en/on/onhrt/doc/2021/2021hrto240/2021hrto240.html>

Transitioning at Work

An employee's manager/supervisor will work collaboratively with the employee to ensure a successful workplace transitioning experience. Relevant members of the People(s) and Culture (P&C) and management teams will meet with the transitioning employee to create their individualized transition plan.

Workplace transition plans are individualized and created with the transitioning employee's active input and consent.

A transition plan may include, but is not limited to:

- Name and pronoun change
- ID and email address update/change
- Changes in HRMS/Benefits/Pension plan/etc.
- Informing management/colleagues/employees
- Training for management/colleagues/employees
- Anticipated dates for the change of name, personal details, etc.
- Any other reasonable supports or changes requested by the transitioning employee.

Planning is essential to ensure a positive experience for the employee's transition. Relevant members of the P&C and Management teams will collaborate with the employee to devise a mutually agreeable plan and address any issues, as appropriate, when and if they arise. A successful plan will include check-in points to ensure the plan is working and to address any issues as appropriate.

During their transition, employees may utilize leaves (such as paid leave, sick leave, vacation leave, or unpaid leave)² that are available to them and appropriate to the situation if they wish to take some time off work. Leave types may include vacation, sick leave, or leaves of absence. Consult with HR Client Services about the leaves available to the employee.

For community supports, connect with organizations like [The 519](#), [Pride at Work Canada](#), [Rainbow Health Ontario](#), or [Trans Lifeline](#).

Transition Planning Checklist

Below (Appendix A) is a checklist to help support a trans-inclusive workplace by facilitating a transparent and collaborative process. This Transition Planning Checklist should be used by the employee and the relevant parties (managers, supervisors, and P&C) when employees are affirming their gender identity(ies). This can include changes to their name, gender/sex designation, dress, and use of pronoun(s), etc. At the employee's request, the checklist may be updated through regular dialogue. The employee will guide the process and the accommodation(s) they may need, as each transition process is unique.

² Consult with your HRBP for questions about leaves

After completing the checklist, management and the employee should meet to determine if anything has changed or needs to be updated. Be flexible and open to changes, as requested by the employee, as this chart/the plan may be provisional and can be modified as needed. Additional consultations and involved parties may be required to support the planning.

For privacy reasons, prior to sharing this information with those involved in the process and planning, it is important to have consent from the employee prior to and throughout the process (documented in writing). This document must be kept confidential to the maximum extent possible. The employee and supporting member of management should have copies of relevant documentation.

Appendix A: Checklist

Note: This document is intended as a guideline only. Each person will have unique needs, and the checklist should be individualized accordingly.

This document is confidential.

Date:

Employee's Name:

Pronouns:

Management/P&C Responsible for the chart:

Chart review date:

	Action	Responsible	Accountable	Consult with	Inform	Date Completed	Status
Transitioning Support	Employee Requests	Employee (EE)	Manager				
Consent	Written Consent	Manager	Employee				
Pronouns/Name(s)	Privately ask which pronoun(s)/name(s) the employee uses, when they would like to start using it at work, and with whom. For example, an individual may request that you use a different pronoun with them privately versus publicly for a period of time.	EE	Manager	Depending on consent there may need to be a background sharing of info			
Washroom Access	Ensure awareness of relevant washroom/change room facilities	EE	Manager		Campus Services for accessibility info only		

Changes to records	<p>Such as:</p> <ul style="list-style-type: none"> • Health benefits • Payroll • HRMS • Pension Plan • Outlook Email • Staff Directory • Computer/systems logins • MS Teams <p><i>*It is important to note that certain changes, such as payroll documents like T4s require documentation e.g. driver's license, passport, SIN) to show legal name change</i></p>	EE/Manager	HR Systems, IT	HR Systems, IT	HR Systems, IT		
Communication	Determine the scope of communications and identify who needs to be aware and at what level of detail. The employee should be involved in reviewing/drafting the communications and determining who	Manager/EE	Manager	HRCS	Consider the following communications (as appropriate): <ul style="list-style-type: none"> • to management team • to direct staff teams 		

	<p>sends out the communications.</p> <p>Consider what, if any, communications would be made in writing versus in person (e.g., a script for meetings).</p>				<ul style="list-style-type: none"> • to others who work with the individual • by management to staff regarding expectations • under Policies and support for the individual 		
Education	<p>Review if any education may be helpful for management or staff with whom the employee works. It is also important to plan/anticipate some questions staff may have and how best to address them.</p>	Manager	Manager	<p>Office of Human Rights (OHH)</p> <p>Inclusion & Belonging</p>			
	<p>Provide the employee with information about the OHH, Public Safety, and EAP.</p>	Manager	Manager	OHH			
Issues Planning	<p>Set out who the employee is to report issues/concerns to and how.</p>	EE/Manager	EE/Manager				

	<p>Set out how the employee would like to be supported if/when people make a mistake and use the improper pronoun/name, etc.</p> <p>Monitoring: Who will check in with the employee and how regularly?</p> <p>Provide the employee with information about the OHH, Public Safety, and EAP.</p>						
Time Off / Medical Leave	<p>Consider if any time off may be required prior to or following the announcement and discuss available leaves.</p>	Manager	Manager	HRBP			
Return to Work (if applicable)	<p>Determine when the employee will return to work.</p> <p>Plan if the employee requires supports on their first day returning to work.</p>	EE	Manager/EE	OHH			

	Consider if any measures should be taken to ensure the employee is supported during lunches or break periods.						
Union	Employee to consider when to notify and the level of support they would like.	EE	EE	Union			
Other assistance as required		EE					

Appendix B: Definitions

***NOTE:** These terms and definitions are related to gender diversity, and are included for educational purposes. The definitions provided below are not intended 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 or expression alone constitute identity.

All-Gender: This is a label used to indicate that a good, facility, benefit or service is equally available to all persons regardless of their gender identity.

Anti-trans* Discrimination: Every trans and non-binary student, employee or person in receipt of services from the College has the right to equal treatment, without discrimination on the basis of gender identity or gender expression as set out in the Ontario Human Rights Code. Direct discrimination occurs when a trans or non-binary individual is subjected to differential treatment as a result of their gender identification or gender expression, or their association with trans individuals or causes. Such acts are sometimes generally referred to as being "anti-trans". Examples of direct discrimination against a trans person include:

- refusal to provide goods, services or facilities to persons because of an individual's gender identity or gender expression;
- refusal to work with or teach someone because of their gender identity or gender expression.

Anti-trans Harassment*: Is prohibited by the Code and generally involves written, verbal and/or physical actions which express negative attitudes, derogation, and/or hate for a person or group of persons based on their gender identity or gender expression. Such acts are sometimes generally referred to as being "anti-trans". This kind of harassment may include, but is not limited to, the following behaviours:

- demeaning comments, unwelcome remarks, jokes, innuendoes or taunting about a person's or group of persons' gender identity or gender expression;
- disclosing a person's trans status without consent or without the presence of a "need to know" circumstance;
- displaying of, derogatory or offensive pictures or sexually explicit materials, either through printed copy or personal computer;
- denial of normal co-operation with an individual because of that individual's gender identity or gender expression;
- insulting gestures or practical jokes based on gender identity or gender expression which cause embarrassment or awkwardness;
- demeaning remarks about trans people or their needs
- individuals in the presence of any individual (not necessarily a member of the group mentioned) that creates a poisoned work/learning environment;
- using pejorative names based on gender identity or gender expression.

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.

Cisgender: A label that denotes or relates to a person whose self-identity conforms with the gender that corresponds to their biological sex.

Cisnormativity: Refers to the commonplace assumption that all people are cisgender and that everyone accepts this as "the norm." The term cisnormativity is used to describe systemic prejudice against trans people. This form of systemic prejudice may go unrecognized by the people or organizations responsible.

Cissexism: A system of oppression that considers cis people to be superior to trans people. It includes harmful beliefs that it is "normal" to be cis and "abnormal" to be trans. Examples include scrutinizing the genders of trans people more than those of cis people or defining beauty based on how cis people look.

Gender: Refers to the socially constructed roles, behaviours, activities, and attributes that a given society associates with individuals who have particular biological features and/or sexual reproduction organs

Gender Identity: Concerns an individual's intrinsic or psychological sense of self, particularly their sense of being female, male, a combination of both, or neither, regardless of their biological sex.

Gender Inclusive Language: Using gender-inclusive language means speaking and writing in a way that does not discriminate against a particular sex, social gender or gender identity, and does not perpetuate gender stereotypes. Given the key role of language in shaping cultural and social attitudes, using gender-inclusive language is a powerful way to promote gender equality and eradicate gender bias.

Gender Expression: Refers to how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

Gender Non-Conforming: Refers to individuals who do not follow socially dominant ideas or stereotypes about how they should dress, look or act based on the female or male sex they were assigned at birth. This is also called Gender variance and/or Gender Independence. For example, this includes "feminine boys," "masculine girls," and individuals who are androgynous.

A person's gender identity is fundamentally different from and not related to their sexual orientation.

Genderqueer: Individuals who do not follow gender stereotypes based on the sex they were assigned at birth. They may identify and express themselves as "feminine men" or "masculine women" or as androgynous, outside of the categories "boy/man" and "girl/woman."

Gender-affirming surgery: procedures that help people transition to their self-identified gender.

Gender-Based Harassment: A subset of sexual harassment is used as "gender policing tool to reinforce conformity with traditional sex-role stereotypes, or as bullying tactic, often between members of the same sex.

Harassment: Harassment in section 10(1) of the Ontario Human Rights Code and workplace harassment (personal/psychological harassment) in section 1(1)(a) of the Occupational Health and Safety Act are defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. The College interprets this to include any behaviour that is known or ought reasonably to be known to be offensive, embarrassing or humiliating to other individuals. Such conduct may or may not be based on any of the prohibited grounds identified in the Ontario Human Rights Code, and includes visual representations, electronic messages including emails and social media posts, written messages, and verbal and/or physical conduct. Some examples of harassment are:

- unwelcome remarks, jokes, slurs, innuendoes or taunting;
- hazing, stalking or shunning;
- the repeated mistreatment of one employee or student, targeted by one or more employees or students with a malicious mix of humiliation, intimidation and sabotage of performance (bullying);
- displaying derogatory or offensive pictures, graffiti or materials either through printed copy or personal computer;

- verbal abuse;
- insulting gestures or practical jokes which cause embarrassment or awkwardness;
- unauthorized and/or unnecessary physical contact;
- an impassioned, collective campaign by co-workers to exclude, punish and humiliate a targeted worker.

Note: Harassment or workplace harassment (personal/psychological harassment) does not occur where a supervisor gives legitimate directions or instructions to an employee in the course of employment or conducts performance reviews in accordance with the College's Faculty Evaluation Procedure, or its equivalent.

Intersex: a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male.

Learning/Working/Living Environment: Wherever a member of the College community attends for the purpose of learning, working and living, involving activities sanctioned by the College, including virtual environments within the Humber ecosystem, such as our Learning Management system (for example: Blackboard), and virtual social-based environments outside Humber College's IT ecosystem, such as, Facebook, Snapchat and Instagram.

Non-binary: is a spectrum of gender identities that are not exclusively masculine or exclusively feminine—identities that are outside the gender binary. Non-binary people may identify as having two or more genders (being bigender or trigender); having no gender (agender, nongendered, genderless, genderfree or neutrois); moving between genders or having a fluctuating gender identity (genderfluid); being third gender or other-gendered (a category that includes those who do not place a name to their gender).

Poisoned Learning, Working and Living Environment: Occurs when conduct and/or comments related to gender identity or gender expression unreasonably interfere with a trans or non-binary individual's ability to work and/or learn by creating an intimidating, hostile, offensive or threatening environment. Depending on the impact of the comments or conduct on the individual, one anti-trans instance may be sufficient to create a poisoned environment for a trans or non-binary individual or trans people in general. A poisoned environment can create unequal conditions of employment for the person or persons affected by it. It can interfere with an individual's learning and/or work performance and cause emotional or psychological stress not experienced by other individuals.

An individual does not have to be the person targeted by the anti-trans comments to experience a poisoned environment. A person who is subjected to overhearing anti-trans slurs or sexually offensive jokes, or viewing offensive cartoons or sexually explicit, suggestive or demeaning pictures may view the behaviour as poisoning the environment. Some examples of poisoning the environment are:

- displaying graffiti, signs, pictures or cartoons which would qualify as prohibited anti-trans harassment, either through print or computers;
- making derogatory remarks about trans peoples in the classroom or the workplace.

Reasonable Accommodation: For the purposes of this Policy, reasonable accommodation means changes, arrangements and/or programs that are undertaken for the purpose of removing arbitrary barriers that prevent the right to gender identity and gender expression from enjoying protection that is equal to the protection afforded under the other fifteen protected grounds of discrimination outlined in the Ontario Human Rights Code. Decisions to accommodate will be balanced against several factors including undue hardship, e.g.: the cost of the accommodation to the College; health and safety risks to the person requesting accommodation and to others; and the effect of accommodation on the College's ability to fulfill its duties under other Humber policies and the laws governing the College.

Sex: Refers to the anatomical classification of people as male, female or intersex, usually assigned at birth. Intersex means being born with the (full or partial) sex organs of both sexes, or with underdeveloped or ambiguous sex organs. About 4% of all births may be intersex to some degree. This word replaces the inappropriate term 'hermaphrodite'.

Sexual Harassment: A form of sexual violence prohibited by the Ontario Human Rights Code. Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and/or gender that is known or ought to be known as unwelcome. Under OHSA, workplace harassment has been expanded to include workplace sexual harassment, which may or may not include:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome; or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of behaviors of sexual harassment includes but is not limited to:

- any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable learning, working and living environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
- unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
- practical jokes of a sexual nature which cause awkwardness or embarrassment;
- displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either in print or electronic form;
- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching, patting or pinching;

- expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- requests for sexual favours; and/or
- sexual assault.

Note 1: Romantic and sexual relationships between consenting adults that are voluntary and based on mutual attraction do not constitute sexual harassment. If, for example, one of the parties has communicated to the other that they wish for the relationship to end and the other thereafter engages in conduct which is harassing in nature, this would constitute sexual harassment.

Note 2: Romantic and sexual relationships between faculty members and students, or between College employees where a significant power differential exists, even if they are between consenting adults, voluntary and based on mutual attraction, are prohibited because of the power differential that exists within the relationship. This power differential casts doubt on the validity of the consent to such relationships, creates a perception of bias in the eyes of the institution, faculty and other students, and constitutes a breach of trust in one's employment with the College as a faculty member or supervisor. Individually or together, such consequences of the inherent imbalance of power within these relationships create a poisoned learning, working, and living environment.

Sexual Orientation: Is more than simply a status that an individual possesses, it is an immutable characteristic that forms part of an individual's core identity. Sexual encompasses the range of human sexuality from gay and lesbian to bisexual and heterosexual orientations.

Trans or Transgender: An umbrella term referring to people whose gender identities differ from the sex they were assigned at birth. "Trans" can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, non-binary or gender non-conforming (gender variant or genderqueer).

Transition: Refers to a range of social, legal, and medical changes that some trans people may pursue to affirm their gender identity.

Transphobia: Is the unrealistic or irrational fear and hatred of trans, non-binary, and gender non-confirming people. Like all prejudices, it is based on negative stereotypes and misconceptions that are then used to justify and support hatred, discrimination, harassment, and violence toward people who are transgender.

Workplace Harassment - Personal/Psychological Harassment: The Occupational Health and Safety Act defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Workplace harassment also includes what is often called psychological harassment or personal harassment. The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years). However, there may be situations where the conduct happens only once).