

A Helpful Guide When
Gender Transitioning
in the **Workplace**

USW Transition Handbook

STEELWORKER

education

WWW.USW.CA



Contents

Introduction	3	Representatives	20
1. What is Transitioning?	5	C. Checklist for Union and Management in a Transition Plan Meeting	20
A. Understanding USW Trans Members	6	D. Self-Advocacy While Transitioning	21
B. What is Transition?	7	E. Sample Transition Plan	22
C. Timing and Process of Transition	8	Objective.....	22
2. A “How-To” Guide for Everyone Involved	9	Achieving These Objectives	22
A. Elements of a Transition Plan	10	Specific Initiatives	23
1) Agreeing to a Process	10	Duty to Accommodate.....	23
2) Transition Plan Checklist.....	11	Going Forward	23
3) Statement of Objectives	13	3. Obligations and Model Language ...	25
4) Privacy and Confidentiality	13	A. Trans Issues and the Law	26
5) Key Contacts.....	14	Employer Obligations.....	26
6) Who Needs to Know?.....	14	Union Obligations	26
7) How Much Information Should be Provided?	14	Worker Obligations	26
8) Timing	15	B. Collective Agreement Model Language to be Demanded.....	27
9) Changes to Identification and Documentation.....	15	Non-discrimination clause	27
10) Washrooms	16	Group Benefit Plan.....	27
11) Changerooms.....	16	Transition Leave	27
12) Uniforms and Dress Codes.....	16	General Transition Policy.....	27
13) Benefits and Additional Medical Expense Coverage	17	C. Trans Issues Beyond the Workplace.....	28
14) Anti-Harassment Plan	17	Appendices	29
15) Co-workers, Clients and the Public	19	APPENDIX A: Inclusive Language Tips.....	30
16) On the Job	19	APPENDIX B: Definitions of Commonly Used Terms....	31
17) Overall Workplace Changes.....	19	APPENDIX C: Sample Employee Transition Letter	33
B. Guidelines for Management and Union		APPENDIX D: Useful Contacts	34
		APPENDIX E: Transgender Observances	35



Introduction

This handbook is for unionized workers in USW workplaces. As such, it is useful to our members who may be undergoing transition themselves, local executives, committee members, shop stewards and the USW membership in general. In addition, this handbook is useful for USW staff representatives as a common starting point to work with Steelworkers who are considering, or undergoing transitions. Finally, the handbook can also be useful to employers as a guide.

This handbook is divided into three parts, with additional appendices.

PART 1:

Information About Transition. Explains the role of the union in supporting transition.

PART 2:

A “How-To” Section. Provides a checklist for a transitioning plan, and guidelines for employer and union representatives. Includes a section on self-advocacy for members considering or undergoing transition. Also contains a template for an individualized accommodation plan.

PART 3:

Legal Issues and Model Language. Outlines of legal obligations for employers, the union and the member undergoing transition, and includes model language for collective bargaining.

APPENDIX A: **Inclusive Language Tips**

APPENDIX B: **Definitions of Commonly Used Terms**

APPENDIX C: **Sample of Employee Transition Letter**

APPENDIX D: **Useful Contacts**

APPENDIX E: **Transgender Observances**



PART 1

What is Transitioning?

A. Understanding USW Trans Members

Trans people can be any race, age, ethnicity and sexual orientation. Steelworker trans members work in manufacturing, hospitality, retail, health care, education, finance, and security – basically, in every sector of the economy. Unfortunately, many trans individuals find keeping their jobs during transition challenging. The USW values all members and must strive to support all. Steelworkers who are transitioning on the job need additional support during what can be a difficult time.

Gender identity and sexual orientation are sometimes confused but are definitely not the same. Who a person is sexually attracted to defines a person's sexual orientation. An individual's sexuality is often thought to be fluid but most folks at some point can identify as: gay, straight, bisexual, pansexual, asexual, etc. This guide's focus, *Gender Identity*, has to do someone's sense of being male, female or neither. Most people's gender at birth is the same as the gender they know they are throughout their lives. They are called: cis-gender. Just like cis people, trans people can be gay, straight, bi, pan, asexual. Some maintain their relationships from prior to transition, others don't.

A trans person is someone whose gender assigned at birth does not match their gender identity. They know (without needing a professional to explain it to them) that they are male, female or neither. Because other people's perception of them is incongruent with their understanding of themselves, they encounter many issues when trying to live authentically. Transition can start and stop many times in a person's life depending on their feelings of safety and lifestyle. Some people transition in childhood while others feel compelled to wait or never transition at all. They wonder: Will transitioning to their authentic gender make them lose their family, their job, their friends, their kids? Trans issues are complex, so it is very important that informed individuals be involved when a USW member discloses they wish to transition on the job. We can also rely on basic union principles to guide us.

Non-binary, gender fluid and gender queer folks feel their gender is neither male or female or can fluctuate between them. They reject the idea that they are either completely male or completely female – that's the binary. The way they express their gender identity may change from day to day. Non-binary people can present more masculine or more feminine depending on how they feel or combine traditionally feminine and masculine presentations. How a person expresses their gender is connected to gender identity, but how "well someone passes" is not a measure of how trans they are.

Transition is a complex issue. Some folks are born intersex which means they biologically are born with both traditionally male and female parts. Often, they are assigned a gender at birth. Intersex folks can identify as male, female, trans, non-binary or gender fluid.

Some of our members will have transitioned in all parts of their lives outside of work. For instance, at home, in the community and in social networks while others haven't. One thing is for sure, no two transitions are the same. Transitioning at work can often be the last place for folks to come out. Many trans people quit their jobs at the time of transition, fearing hostility or confusion from their co-workers, patients, customers or employers. Knowing that their financial, emotional and personal safety risk is high, we need to support and frequently check in on transitioning members. Workers who transition on the job need support from their union and their employer to claim their full rights. This guide is meant to help.

B. What is Transition?

Transition is a host of activities that some trans people may pursue to affirm their gender identity. It is the process of changing one's gender presentation and/or sex characteristics to align with one's internal sense of gender identity – the idea of what it means to be a man, a woman, or genderqueer.

Transitioning can:

- include changing names and pronouns (he/him/his, she/her/hers, they/their/ them)
- include changing sex designation
- include changing physical appearance and dress
- include using hormone therapy
- involve medical treatments
- include sex affirming surgeries (but not always)
- mean losing loved ones and family
- trigger mental health issues
- include coming out socially to friends and family
- mean putting oneself at risk in public places
- be a long and ongoing process
- be something that happens over a short period of time
- be easier with support
- help end gender dysphoria

Some trans individuals experience gender dysphoria which is an intense discomfort when faced with their gender that can have a negative effect on their mental health. People medically and socially transition to relieve dysphoria. Physical dysphoria is a person's discomfort with their own image and self. Social dysphoria occurs when other people interact with a trans individual. Stares, comments, and sneers can all lead to social dysphoria. Commenting on a trans person's appearance or asking inappropriate questions about them are common issues for trans folks. While some trans folks don't experience dysphoria or feel less debilitated by it, others experience its negative effects daily.

Gender dysphoria is sometimes triggered by misgendering.

Misgendering a person can happen accidentally in many ways. Absentmindedly, calling someone by their former name or referring to them as 'she' instead of 'he' is misgendering them. Grouping them in with others around them is another form of misgendering; for example, calling a group of women that includes a trans male "ladies." Misgendering slips at the beginning of transition happen typically by accident. When a person accidentally uses a trans person's former pronouns or name, they should quickly correct it, apologize and move on. Purposeful and/or repetitive misgendering however is cruel and needs to be taken seriously as a form of harassment.

Both management and union members need to be aware of how often our language choices can exclude trans folks and should proactively try to make language changes immediately. (See *Appendix A: Use of Language Tips*, p. 30)

Many trans people will have gender affirming surgeries (GAS), but such surgeries are not necessary to being transgender. Medical procedures are confidential and details are to be disclosed only if the trans person chooses to do so.

Surgeries, if sought, might take place over a period of months or even years. This will depend on the trans person's wishes, finances, life circumstances, treatment options and availability. Gender affirming surgeries and hormone therapy are highly successful medical treatments – and can be life-saving but they do not define what it means to be trans.

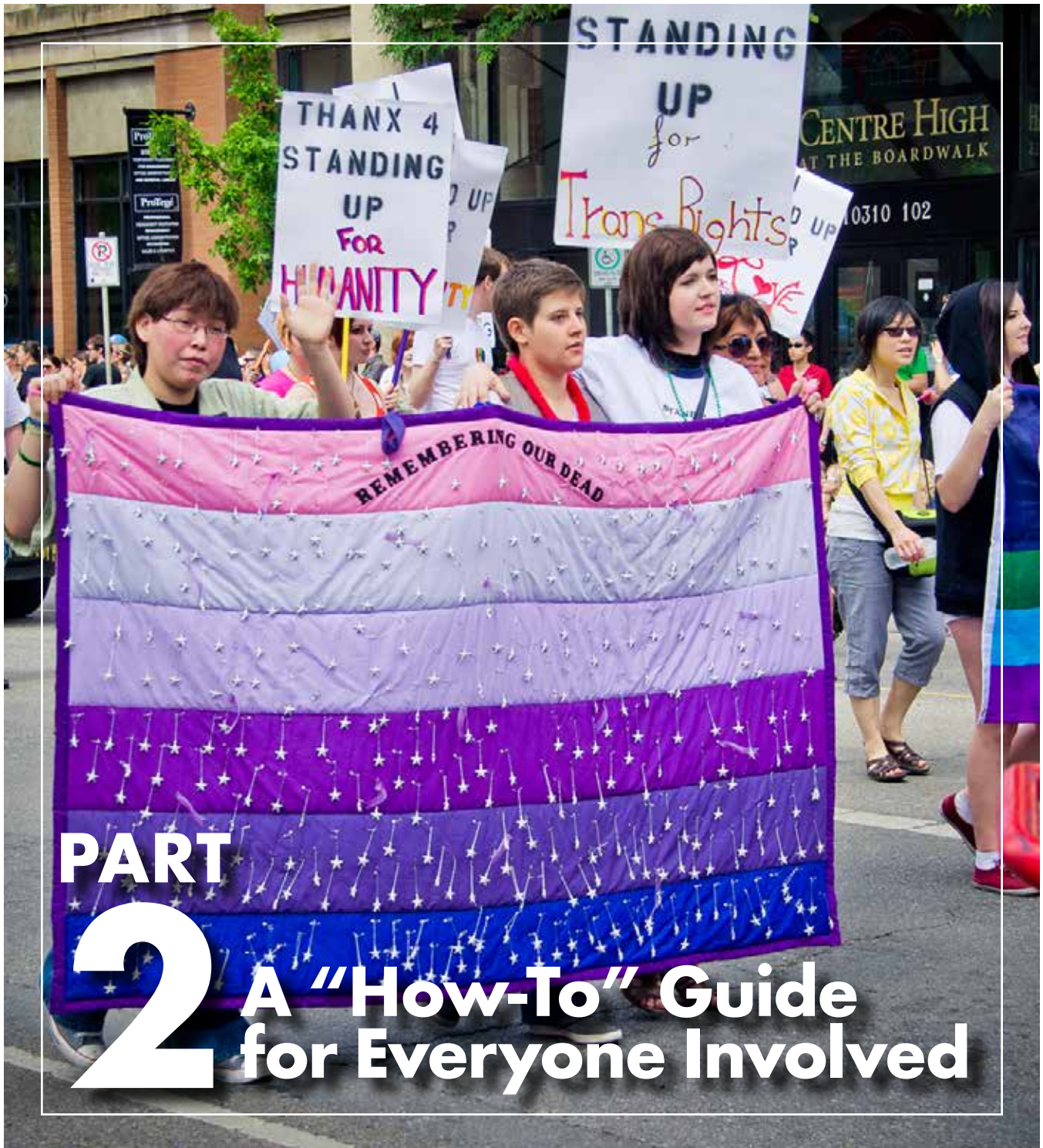
C. Timing and Process of Transition

When a member is brave enough to come out as trans or non-binary it is the most sensitive time and needs to be handled with care. There are no specific timelines for each person's transition. However, tentative timelines should be set. This planning should be flexible and revisited regularly. Transition can be a long or short process, but making a plan with the employee means they are being listened to and respected. Being flexible about this timeline reflects understanding that not all plans work out. It should be remembered that by the time a worker is ready to discuss their transition plan with the employer and union, they have likely spent years thinking it through and preparing.

One of the common mistakes made by cis people (non-trans people) is assuming that transition doesn't happen "until the surgery is complete." This is a seriously offensive idea to trans people. They understand their authentic gender as well as cis people understand theirs. No particular surgery is needed for them to deserve the dignity and respect of using their proper names and pronouns as soon as asked.

The most critical time to support a worker in transition is at the very beginning stages of their transition in the workplace, when the worker takes the first steps in expressing their gender, changing their name and letting people know about their plans.

As soon as a worker outlines their plan to transition, they need workplace support. It's at this point that records need to be changed, that people need to begin using the worker's new name and referring to them by their correct pronouns, that they require safe access to changeroom and/or washroom facilities, etc., and that they need the solidarity of those around them to protect their dignity and security. Not only is this the support that trans workers need, it is the employer's and union's legal obligation to provide it.



PART

2

A "How-To" Guide for Everyone Involved

A. Elements of a Transition Plan

Our collective agreements need to include language that protects trans people from discrimination and harassment and should include general guidelines outlining the employer's responsibility during a worker's transition.

Each trans person's situation and workplace will vary, so in addition to collective agreement language, an individualized transition plan should be developed that outlines how the employer and union will support the worker's plans to transition on the job.

At a minimum, a transition plan should set out objectives and timing for:

- informing co-workers
- changes to identification and documentation
- washroom and/or changeroom facilities
- anti-harassment planning
- medical leaves (where required)

Developing a transition plan isn't about bargaining "special rights" for trans people. Trans people aren't asking for anything special – simply a safe place to work, a safe washroom/changeroom, the right to be called by their name, the right to accommodation and the right to be referred to by their chosen gender – the same rights most people take for granted. However, in the case of trans members, special measures do need to be taken to ensure that basic rights are protected.

1) Agreeing to a Process

The key to a successful transition process involves employers and union representatives working with trans workers to determine their needs and agreeing together on a process for the transition. Everyone goes through their transition differently. Therefore, the transition plan needs to be flexible. Some will go through the transition very quickly and others more slowly.

Issues to discuss include:

- Whether the worker wants to stay in their current job or be transferred
- Which pronouns the person will use (he/him/he, she/her/hers, they/them/their)
- The expected time of social gender transitions and change of name and pronouns
- Whether or not the worker wants to inform their supervisors, co-workers, clients, patients, customers about their transition, and if so, do they want to do so themselves, or have this done by the union and/or management
- What amendments need to be made to records and systems (and the timing for this)
- Whether a trans worker is adequately covered by existing policies on issues like confidentiality, harassment and insurance, and if not, how these will be amended

- Whether training or briefing of co-workers/clients/patients will be necessary, and at what point and by whom this will be done
- How to handle any harassment, hostile reactions or unwanted interest
- When and if time off is needed for health care needs.

2) Transition Plan Checklist

- Initial meeting with employee: name/date: _____
- Identify the transition team: (employee, 1 union, 1 employer min)
 - Trans Union Member: _____
 - Supervisor: _____
 - USW Unit president: _____
 - Union Staff rep: _____
 - Local LGBTQ+ liaison (when possible): _____
 - HR Rep: _____
 - Other: _____
- Develop the timeline with team and employee (amend as needed)

EVENT	DATE
First meeting with supervisor	
Contact LGBTQ+ liaison	
Inform/meet with HR	
Inform management chain in employee's department	
Schedule medical leave (as needed)	
Conduct team meeting	
Discuss how name/ pronoun mistakes will be addressed <input type="checkbox"/> occasional slips: _____ <input type="checkbox"/> Persistent misuse: _____ <input type="checkbox"/> Intentional misuse: _____	
Arrange for training (as needed)	
Make official announcement (in manner requested)	
Change all documentation of name and gender	
Have training (as needed)	
First day of workplace transition (usually a few days or weeks after announcement)	
1 month check-in with employee	
6 month check-in with employee	
1 year check-in with employee	

- Plan/prepare official announcement
- Determine if/how/when training is needed
- Update name/photo in workplace particularly for:
 - Name tag Workstation name plate
 - Uniform Access/ID card
 - Email address Organization charts
 - Team rosters Photos on display
 - Phone directory Other (web, etc.)

3) Statement of Objectives

A transition plan should begin by clearly setting out the goals of all parties (the worker, the employer, the union). Some suggestions:

- The worker could remain at their current job in their current location.
- The union, co-workers and the employer will ensure that they enjoy all the same rights with respect to privacy, safety, code of conduct, etc., in the workplace.
- The employer and the union will deal with any harassment quickly and decisively.
- At the worker's request, the worker will be accommodated in another comparable position in the workplace if reintegration into the current worksite fails.
- The employer and the union will ensure that the worker is accommodated with respect to medical leave, proper and appropriate facilities, documentation and/or identification changes and benefits coverage.
- Together, the employer, the union and the worker will work to resolve any issues that arise through transition.

4) Privacy and Confidentiality

Transgender workers have a right to privacy. There must be no unnecessary disclosure of personal or medical information. Referring to a person's trans status to others, without their explicit permission, is outing them and is a breach of their privacy (e.g., don't tell people they're about to meet a trans person).

Sample transition plan language:

"Thus far, knowledge of this situation has been limited to (insert names). Advising others must be done with sensitivity and respect of the worker's privacy and only on a need-to-know basis for the purposes of achieving our objectives."

“Need-to-know” refers to those directly involved in the administration of a process, for example, a medical officer, or the person who authorizes payments into the pension plan. It does not refer to co-workers, clients, or line managers, and breaches of confidentiality should be treated very seriously, as would any other gossip about a personal medical or social situation. “Outing” is understood to be a form of harassment that puts the worker’s physical and emotional safety at risk.

Transition plans should be discussed and communicated only in order to manage expectations and to minimize inappropriate responses.

There is no general need or obligation to inform everyone in the workplace that a worker is undergoing a gender transition. Disclosing information such as a person’s former name and gender by anyone in the workplace should be considered a form of harassment.

5) Key Contacts

A transition plan should set out who the key union and management contacts for the worker will be. Contacting the USW Trans Liaison if possible is also suggested.

Sample transition plan language:

“Going forward, the key management contact for the worker throughout transition and integration back into the workplace is (insert name of manager/supervisor/HR person). The key union contact is (insert name of steward/ advocate/committee person/chairperson.)”

6) Who Needs to Know?

A transition plan will include when, how and if a worker plans to communicate their new gender to their co-workers/supervisors/ clients/customers.

Not all workers in a large workplace need to be notified of a worker’s transition. This information is necessary only where their relationship with someone who knew the person prior to their change of status is to continue. Some workers prefer to tell their co-workers themselves. (See *Appendix C: Sample Employee Transition letter, p. 33*). Some prefer to have management or the union let people know.

7) How Much Information Should be Provided?

Just like any other worker’s personal medical situation, nobody in the workplace is entitled to any information about the transitioning worker’s medical issues or any details about their transition unless voluntarily provided by the worker themselves.

Asking personal questions is not only inappropriate but can be considered a form of harassment.

The exception is for an individualized accommodation plan for the person requesting accommodation.

8) Timing

At the time of social gender transition (e.g., name change, gender expression/clothing/hairstyle), it's common for some trans people to take a short leave from work and return with a new name and pronouns. While the trans person is on vacation for example, basic information could be provided to co-workers a few days before the worker returns so that co-workers have some time to adjust and ask questions that the trans employee should not have to hear.

If the worker is returning to work in a new location, there is likely no need to inform any co-workers or managers that the worker has transitioned; sharing personal information is up to the worker. The transition team should stay in touch with the worker to ensure that no problems are encountered the first day back on the job and at the end of that week.

9) Changes to Identification and Documentation

At the worker's request, all workplace records must be updated to reflect the worker's new name and gender.

This includes (but is not limited to):

- Seniority lists
- Name tags
- Email and phone directories
- Identification cards or badges
- Security lists
- Trade certificates
- Insurance records
- Pension records
- Licenses, etc.

Where these documents are in the sole control of the employer, they should be changed immediately. The employer cannot demand that other pieces of identification (e.g., government identification) be changed first, unless there is a direct link between personnel and government records (e.g., trades certificates, pensions, licenses and insurance). However, all records must be amended as soon as the legal name change has taken place.

Once all records have been changed, the trans person's previous name and gender should no longer appear in any personnel records, unless required by law. There is likely no rationale for maintaining a record of the transition or the person's prior identification. Former names are confidential information.

Sample transition plan language:

"The employer and the union will update all worker records and directories to reflect the worker's name and gender change and will ensure that all workplace-related documents (e.g., pension and insurance) are also amended. No records of previous name or sex will be maintained, unless required by law."

10) Washrooms

Like everyone else, trans workers need to use washroom facilities with safety and dignity.

It is the employer's responsibility to provide safe washroom facilities to the worker during and after transition. The transitioning worker has the right to use the washroom of their social gender, regardless of where they are on their gender journey.

The employer and the worker should agree on the timing of when the worker begins using the washroom of their social gender so that the employer is prepared to support the worker in transition and to deal with any concerns from other workers.

On a temporary or ongoing basis, the worker may prefer access to a single stall bathroom (with a lock), to ensure their safety and dignity are maintained. The employer must accommodate this request.

If these facilities are further from the worker's work area, break times may have to be adjusted.

Employers and the union need to make it clear to all workers that trans workers have the right to use the facilities that correspond with their gender identity and that they expect everyone's cooperation.

If a co-worker raises a concern about a trans worker using the same washroom, the worker with the concern may be permitted to use a different washroom elsewhere in the facility.

Our union offices and events should strive to create gender neutral washroom facilities. It may be as easy as changing signage of single stall washrooms to include everyone. Many places of business and institutes of education have been using the term "All Gender Washrooms" for these washrooms with great success.

Proactively posting educational materials near bathrooms about allowing people to have the dignity to use the bathroom of their choice has been an effective tool used by the labour movement to increase understanding. Educating our members to be more inclusive should be encouraged by the union and employers in our workplaces.

11) Changerooms

As with washroom facilities, the employer is required to ensure the transitioning worker has access to the changeroom facility of their social gender.

Where changerooms do not have separate privacy stalls, an accommodation must be made (for example, access to a single-use facility, or a re-design of existing facilities). The accommodation requires the cooperation of the employer, the union, co-workers and the transitioning worker.

12) Uniforms and Dress Codes

No worker should be forced to dress in a uniform that denies them their dignity. A worker in transition must be permitted to dress consistently with their gender identity and is simply required to comply with the same standards of dress/appearance as any other worker.

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

If there are uniforms worn in the workplace, and if uniforms are gendered (i.e. there is a men's uniform and a women's uniform), then the worker must be provided with the choice of which uniform to wear. If/when they opt for a new uniform, they must be supplied with uniforms that fit appropriately or are tailored to fit appropriately.

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

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

As a rule, we need uniform policies that give all of us real choices that we all feel comfortable with. Gender neutral and appropriately fitting uniforms should be available to all workers regardless of their gender identity.

13) Benefits and Additional Medical Expense Coverage

Trans workers face many of the same health-care needs as the workforce at large, and their needs should be treated in the same way as any other medical requirement.

Transition-related health care needs are not cosmetic, they are medically necessary.

Transitioning workers may require medical coverage for some or all of the following: hormone therapy, wigs, breast prosthesis and bras for prosthesis, silicone/saline implants, electrolysis/laser hair removal, voice classes for pitch/modulation, counselling/psychologists and gender affirming surgeries (e.g., genital surgery, breast augmentation or reduction, cartilage shave, etc.)

Many benefit plans already provide some of the coverage listed above (for example, hormone therapy, wigs and breast prosthesis may already be covered for cancer survivors). There can be no discrimination in access to these benefits.

In most provinces, health insurance covers some health care needs. The labour movement supports the position that all health-related services for all workers should be eligible. Failing that, these health care needs should be bargained with employers.

14) Anti-Harassment Plan

All workers are entitled to expect that their dignity and safety remain intact at work. Employers are legally responsible for providing a harassment-free workplace, and protecting workers from harassment from supervisors, co-workers, clients and the public.

Gender identity and expression are included under Ontario's Human Rights Code and reads as this:

Social stereotypes about gender, and prejudice and fear towards trans people are often at the root of discrimination and harassment. Negative attitudes about a trans person's racial identity, family status or other grounds can combine or intersect to make things worse.

Everyone has the right to define their own gender identity. Trans people should be recognized and treated as the gender they live in, whether or not they have undergone surgery, or their identity documents are up to date.

An organization should have a valid reason for collecting and using personal information that identifies a person's gender. They should keep this information confidential. Trans people can have their name or sex designation changed on identity documents and other records. The criteria and process should not be intrusive or medically based.

Trans people should have access to washrooms, changerooms and other gender specific services and facilities based on their lived gender identity.

Dress code policies should be inclusive and flexible. They should not prevent trans people and others from dressing according to their expressed gender.

Organizations should design or change their rules, practices and facilities to avoid negative effects on trans people and be more inclusive for everyone. Any exceptions must be legitimate in the circumstances, and trans people must be provided any needed accommodation unless it would cause undue hardship.

The duty to accommodate the needs of trans people is a shared responsibility. Everyone involved should cooperate in the process, exchange only necessary information and explore options while respecting privacy.

Trans people and other gender non-conforming individuals should not be treated negatively while at work, at school, trying to rent an apartment, shopping, eating a meal in a restaurant, using health care services or shelters, dealing with law enforcement and justice services, or at any other time.

www.ohrc.on.ca/en/gender-identity-and-gender-expression-brochure

All harassment policies and procedures must be amended to include gender identity and gender expression as prohibited grounds of harassment.

Negotiated anti-harassment training (for management and workers) must include the issue of harassment based on gender identity and gender expression.

Harassment is probably the greatest concern of trans workers. Hostile reaction from management and co-workers threatens a worker's emotional, psychological and physical safety. Too often trans people face taunting, isolation, inappropriate and/or intrusive comments and questions, verbal and sometimes even physical abuse. Supervisors or co-workers may refuse to refer to trans people by the name and by the pronoun of their choice. All of this is harassment.

The stress of transitioning is compounded exponentially by workplace harassment and bullying.

Let's be clear – trans people may face real danger, and their perception of this danger is likely profound and may even be debilitating. It is critical that the union and management take this seriously and are proactive in support of the worker in transition. This requires checking at regular intervals with the worker and making it clear to all workers and supervisors that neither the union

nor the employer will tolerate any harassment. When remarks, innuendos, misgendering and jokes are left unchecked, they can escalate into an intolerable and volatile situation.

15) Co-workers, Clients and the Public

The employer and the union need to send a strong message to management, workers, clients and the public that they will not tolerate harassment and that they value the contributions of all workers, including trans and non-binary workers.

Workers who raise concerns about working with a trans co-worker or supervisor should be provided with information about the workplace non-discrimination and anti-harassment policies. They should be informed that they are required to work cooperatively with all workers, regardless of gender identity (or race, sex, sexuality, religion or ability, etc.), and if they fail to do so, the harassment policy will take effect. Discomfort is not a legitimate rationale for harassment!

Employers will sometimes try to move transitioning workers away from their usual job working with the public. Transitioning workers have a right to remain in their regular job. Decisions in human rights cases make it clear that customer preference cannot be used to support discriminatory practices.

16) On the Job

All parties must work together to ensure that the worker can remain at the worksite in their present job if that is the worker's wish. However, if the re-integration of the worker back into their work unit is too difficult from the worker's point of view, then the employer, the union and the worker need to negotiate an alternative arrangement. This would include, but not be limited to, positions elsewhere within the company, with preference to remaining in the same job classification. The employer and the union need to continuously monitor the work environment through contact with the worker to ensure that the alternative plan is successful. Where an alternative involves seniority, the union should approach this as we would any accommodation issue.

17) Overall Workplace Changes

The duty to accommodate puts a proactive responsibility on employers to design their workplaces with the broadest possible workforce in mind. To that end, employers should create single-use washroom and changeroom facilities. Uniforms and uniform policies should be flexible enough to accommodate worker's choice, where "gendered" uniforms exist.

B. Guidelines for Management and Union Representatives

Your support is critical. You must maintain this worker's privacy, protect their dignity, ensure their safety and demand the same of others. Your actions will have an impact on the outcome of the transition.

You may feel that you do not know enough about trans issues to be of much help – but the trans member who needs your support is probably your best resource. Listen when they talk and let them educate you if they wish to. Rely on basic union principles about dignity, safety and equal treatment, and you'll do fine. Resources and suggestions for further reading are in this document.

Begin using the worker's new name and the right pronoun as soon as you are asked to. This is how you indicate your solidarity. It could be considered harassment if no attempt is being made to adapt.

While it may be that friends and co-workers sometimes make mistakes and use the wrong pronoun or the worker's old name, it is critical that the trans person understands – through the language of those surrounding them – that they are being supported in the most courageous and necessary act of their lives.

If you know, or learn, that someone has transitioned in the past, you have no right to disclose this to anyone or to ask the individual worker about it.

If at some point you are struggling with someone's physical/personal appearance or style as they transition, keep it to yourself. Be compassionate.

C. Checklist for Union and Management in a Transition Plan Meeting

- Acknowledge how difficult the decision to talk to you must have been.
- Ask them if they expect to change their name. If yes, learn their name and begin immediately referring to them by their new name and/or pronoun.
- Reassure them that you will maintain confidentiality and your role is to support.
- Refer them to this guide.
- Let them know you're there to help, and that you need their suggestions on what will be most helpful.
- Ask them when/if they want to tell their manager or supervisor or human resources person, or if they want you to, or if they want you there as support.
- Talk to them about the timing for this process.
- Ask if they anticipate needing time off for treatment, and if they can give an indication of when and for how long it might be. Make sure they know that normal sick leave provisions will apply.
- Offer to go over the benefit plan with them if they need information about coverage.
- If there's a uniform policy or dress code, talk with them about how and when they want to handle it.

- Ask about their needs regarding washrooms and changerooms, and ensure they know they have your support in using the facilities consistent with their gender identity.
- Let them know that you will do everything you can to ensure they can continue doing their current job, if that is their wish, and that they have a right to it.
- Be prepared to discuss alternative work shifts, locations, etc., if the worker wants to move to a new area and “start fresh” at some point during transition.
- Talk with them about any ideas they might have about a general workplace anti-harassment education plan.
- Follow up on anything you have agreed to do.
- Check in with them regularly, be proactive if there are any signs of trouble from supervisors and/or co-workers.

D. Self-Advocacy While Transitioning

The decision to transition on the job takes courage. Your union is there to protect your dignity and safety. Your union reps may not know everything they need to know about transition, but they do know how to represent workers who need support. USW has put into place a Trans Liaison to help you with your process who has transitioned in the workplace. When you decide it is time to transition at work please consider the following:

- Contact the USW Trans Liaison for support (see references).
- Meet with management and a union representative or advocate or committee person who you feel comfortable with to begin the process. If you want, bring a friend.
- Explain that you need a transition plan.
- Introduce the team to your new name and which pronouns you will be using.
- Outline your plans and how you want to see your transition happen in the workplace. (Who will tell whom and when.)
- Be as clear as you can be about your timelines (we know they may change.)
- Outline your concerns.
- Tell them what your needs are.
- Let them know what action you expect from them and outline what kind of support would be most helpful to you.
- Decide what type of washroom and changeroom facilities would be best for you at this time.
- Settle on a “transition team” with at least one contact person from management and one from the union.
- Talk together about options in the event you encounter difficulties in your current job/location.

- Go over any benefit/leave of absence questions you have.
- You do not need to answer any intimate personal questions. Let people know if they cross the line.
- Reinforce your right to privacy and confidentiality.

As you transition:

- Immediately identify and document any harassment you are experiencing. It is critical that management and the union stop it before it snowballs.
- If washroom/changeroom facilities are inadequate, bring this to the attention of your key contacts. Let them know specifically what the problem is and how you want it remedied.
- Continue to provide valid/current medical certification as per the requirements of the collective agreement, prior to return to work after a sick leave period, etc.
- Try to keep your focus on the job. Work out a strategy with your key contacts for getting some relief if things get difficult during the first few weeks.
- Use your best judgement – you will need to be patient with people as they adjust to using your new name and gender, while at the same time recognizing when someone is purposefully misgendering you. Do not remain silent if you are feeling targeted.
- Expect respect. Your courage and dignity will be a model for others.

E. Sample Transition Plan

Objective

- For the worker to remain at their current location as a *(job classification)*.
- For the union, workers and *(employer name)* to ensure that *(name of transitioning worker)* continues to enjoy all the same rights with respect to the collective agreement between *(employer name)* and *(union name)* while performing their duties.
- To accommodate the worker in another position in the organization should re-integration into the current worksite become too difficult from the transitioning worker's point of view.

Achieving These Objectives

"Since the priority is for *(worker name)* to remain at their current work location, the following initiatives need to take place.

The timing will be adjusted according to any leaves of absences, which are currently scheduled from *(insert dates)*. This plan will be based on these timelines but with the flexibility to adjust as necessary.

Educating the management team is the priority in this exercise so that they will be able to address any concerns or take immediate action should there be any inappropriate conduct. Equally important

will be a partnership with the union at the *(regional or national level / insert as appropriate)* and *(local union / insert as appropriate)* at the location to work together with the site manager and management team to address these objectives.

Thus far, knowledge of this situation has been limited to *(insert as appropriate: Vice-President Operations, Local Union Representative, Union Staff Representative, Human Resources, Labour Relations Vice President, Labour Relations Advisor, etc.)*

Advising others must be done in a manner that respects the worker's privacy and only on a need-to-know basis for the purposes of achieving our objectives."

Specific Initiatives

- Presentations to management team and union representatives on *(insert date)*.
- Design of an education plan for workers at the worksite to be determined by management and union in consultation with the worker. Timing to be discussed with the worker.
- Review of human rights training and human rights legislation and how it applies to this situation may also be appropriate for the immediate staff.

Duty to Accommodate

- All parties must work together to ensure that the worker can remain in the workplace in their current job.
- Continuous monitoring of the work environment through contact with the worker should ensure that accommodation is successful.
- After a reasonable period of time, should the re-integration of the worker back into the work unit prove to be too difficult in the view of the worker, the employer and the bargaining unit agent, together with the worker, should look at other options. This would include but is not limited to positions elsewhere in the employer's operations with the preference to remain in the worker's current classification.

Going Forward

- Identify key personnel as management and union contacts for the worker to ensure consistency during the worker's integration back into the workplace.
- *(Employer contact)* to serve as HR contact throughout the worker's transition and integration back into the workplace.
- The worker will identify any concerns immediately to the manager, labour relations advisor or union representatives as necessary.

- Labour relations and employee relations to provide support to the management team and the worker as necessary.
- The worker will ensure that medical documentation remains valid as per the health plan and collective agreement requirements, prior to return to work after any sick leave period.



PART

3

**Obligations and
Model Language**

A. Trans Issues and the Law

The law is clear: it is illegal to discriminate against trans people.

Employer Obligations

- Are not permitted to discriminate based on gender identity or expression in hiring, training or promoting trans workers.
- Cannot fire trans workers because they transition or come out (i.e., let people know that they're trans).
- Must give trans workers access to appropriate washrooms, uniforms, dress code, etc., during and after transition.
- Must uphold privacy, confidentiality and dignity of the worker.
- Need to cooperate and change records for pension coverage, medical and health plans, EI, CPP, etc., to reflect trans workers' new name and gender identity.
- Cannot deny access to private health-care benefits to trans workers that are available to other members with other medical needs (i.e., if wigs are covered for cancer patients, then they should be covered for trans people who require them, also for medical reasons).
- Must consult and collaborate with union representatives.
- Have the primary legal responsibility to accommodate a worker up to the point of undue hardship.

Union Obligations

- Have a duty to represent all union members fairly.
- Must work with the worker and the employer where an accommodation is required.
- Are required to defend workers whose rights are threatened or ignored.
- Must operate in a manner that is free from discrimination and harassment.
- Have a responsibility to enforce the employer's obligation to prevent harassment in the workplace and to defend workers who are subject to harassment.
- Must respect the privacy and confidentiality of members.
- Must provide (and ensure the employer provides) education about equality issues, anti-harassment and the duty to accommodate.

Worker Obligations

- Are to communicate with the union and the employer.
- Are to supply job-relevant medical information.
- Are to be cooperative and assist in identifying and implementing an appropriate accommodation, if required.

B. Collective Agreement Model Language to be Demanded

Clear collective agreement language will provide the best protection for workers transitioning on the job. Negotiating language on trans workers also allows the union to educate our members before anyone transitions at work and helps prepare a more open and accepting workplace.

Non-discrimination clause:

Add “*Gender Identity*” and “*Gender Expression*” to prohibited grounds of discrimination and harassment language.

Group Benefit Plan:

“(*Employer name*) will put in place a group benefit plan with coverage for the costs of gender affirming health care procedures and surgeries not covered by provincial health plans. In addition, (*employer name*) will include coverage for any transition-related expenses not already covered under the benefit plan (for example: wigs, electrolysis, breast prosthesis, hormone therapy, silicone/saline implants, special bras for prosthesis, voice classes, counselling, medical-related travel expenses, etc.)”

Transition Leave:

“(*Employer name*) will grant a worker up to ____ weeks of leave with pay.”

General Transition Policy:

“The union and (*employer name*) agree to the following general transition policy to cover transgender workers at work.

(*Employer name*) and the union will make every effort to protect the privacy and safety of transitioning workers during and post-transition.

Upon request by a worker, (*employer name*) will update all worker records and directories to reflect the worker’s name and gender change and ensure that all workplace-related documents are also amended. This may include name tags, work identification, email addresses, organizational charts, health-care coverage and schedules. No records of the worker’s previous name, sex or transition will be maintained post-transition unless required by law.

(*Employer name*) will provide safe washroom and changeroom facilities to a worker during and after transition. (*Employer name*) and the union recognize that a transitioning worker has the right to use the washroom of their lived gender, regardless of whether or not they have sought or completed surgeries.

Health-care benefit coverage for transition-related costs, and medical leaves of absence for transitioning workers will be provided / accommodated on the same terms as any other medical cost or leave.

(Insert any other policies applicable to transitioning workers in the workplace – e.g., gender-specific positions, dress codes.)

Upon notification by a worker wishing to transition, or at the request of the union, *(employer name)* will work with the union and the worker to tailor the general transition plan to the worker's needs."

C. Trans Issues Beyond the Workplace

Unions play a very important role in helping to shape public opinion, in lobbying governments and in working with social justice groups. Unions like the United Steelworkers are in the leadership of the women's movement, the movements to defend health care and social services, the fight for equality for lesbian and gay citizens among others. Our movement can use the skills and knowledge we have developed in these campaigns to help further the struggle of trans people for equality and dignity.



APPENDIX A: Inclusive Language Tips

Language is a powerful tool that can influence and reinforce perceptions. Language can also be demeaning, hurtful and exclusionary. Choosing our language carefully shows respect and benefits everyone.

Respecting pronouns

It is best to ask people instead of assume pronouns. While it may seem odd at first, presenting your pronouns after you've told someone your name gives them an immediate opportunity to feel respected. For example: "Hi, I'm John, my pronouns are he/him. What about you?"

If you make a mistake with a pronoun or name. Correct it and move on. A quick apology at the time or later is all that is needed.

It is appropriate to correct others who make mistakes but do so politely without assuming it was purposeful.

Ask respectful and appropriate questions

Do not ask questions about surgeries or former names. These are never anyone's business.

Avoid derogatory and outdated language

There are many offensive terms that should never be used or tolerated. Using these terms should be considered a form of harassment. Never use the words: tranny, transvestite, hermaphrodite, sex-change, boy-girl, she-he, he-she, faggot.

Do not "out" trans people

It is never appropriate to tell others that you know someone is trans or to say something in public or in the workplace that would out them.

It's transgender or trans

When referring to trans people understand the word is an adjective not a noun nor a past participle. John is transgender- is correct. Never say John is a transgender or John is transgendered. Transsexual is a medical term used for post-operative individuals but is outdated in general conversation.

Don't forget the T!

Do not shorten LGBTQ+ to "Gay and Lesbian"

Use more inclusive language

- AVOID: “Ladies and gentlemen”, “boys and girls”, “men and women” when addressing a group
TRY: “Hello everyone” “Welcome to our members” “Hello folks!” “Good day Team”
- AVOID: Gendering groups “ Hey guys”, “Good morning ladies”
TRY: “Hey everybody” “Good morning everyone!”
- AVOID: “Brothers and Sisters”
TRY: Brothers, Sisters and Siblings
- AVOID: “he/she.”
TRY: “They” The singular they has been used throughout this entire guide

Use a trans-inclusive tone in meetings

As best practice meeting leaders should model and ask everyone to introduce themselves with their name and pronouns if they wish.

TRY: “Hello” everyone. My name is Lisa and I use she/her pronouns. Can we one at a time go around the table and share our names and pronouns - if you wish, starting here on the left.”

APPENDIX B: Definitions of Commonly Used Terms

Biological sex includes external genitalia, internal reproductive structures, chromosomes, hormone levels and secondary sex characteristics (for example, breasts, facial and body hair). These characteristics are objective: they can be seen and measured.

Surprising to some, sex consists not just of two categories (male or female) but is a continuum. Most people exist somewhere near one end or the other. The space more in the middle is occupied by intersex people.

Gender Affirming Surgeries (GAS) or Sexual Reassignment Surgeries (SRS) refer to medical procedures by which an individual is surgically altered to create the physical appearance of the opposite sex. Approximately 1 in 30,000 adult men and 1 in 100,000 adult women seek sex reassignment surgery. Not all trans people seek surgery.

Gender expression is everything that we do to communicate our gender to others. For example, the type of clothing we wear, our hair styles, mannerisms, the way we speak, the roles we take in interactions, etc.

Gender expression is a continuum, with feminine at one end and masculine at the other. In between are gender expressions that are androgynous (neither masculine nor feminine) and those that combine elements of the two (sometimes called gender bending).

Sometimes we communicate our gender expression purposefully, sometimes it’s accidental. Our gender expression could be forced on us as children or by dress codes at school or at work.

Gender expression can vary for an individual from day to day or in different situations, but most

people can identify a range on the scale where they feel the most comfortable. Some people inhabit a wider range of gender expression than others.

Sexual orientation indicates who we are erotically attracted to/want to be intimate with. We tend to think of most people as being either solely attracted to men, or solely attracted to women (whether they are gay or straight). However, studies show that most people are in fact not at one extreme of this continuum or the other but occupy some position in between (bisexual).

Some people wrongly assume that you can tell someone's sexual orientation by their gender expression (i.e., women who act and dress in androgynous ways must be lesbians, men who are comfortable with what's considered feminine must be gay, etc.) – you can't.

While "sexual orientation" refers to whether a person is attracted to men, women or both, gender identity concerns a person's internal sense of being male, female or neither. A transgender person may be gay, lesbian, bisexual or heterosexual; there is no direct connection between gender identity and sexual orientation.

Gender fluid, non-binary, gender-variant, gender-queer, bi-gender individuals who do not follow gender stereotypes based on the gender they were assigned at birth. They may identify as and express themselves as feminine men or masculine women or as androgynous completely outside of the binary of man and woman. They may or may not identify as trans.

Gender identity is how people think of themselves and identify in terms of gender (man, woman, boy, girl). Gender identity is a psychological quality. Unlike biological sex, it can't be observed or measured, only reported by the individual.

Intersex people are those born with combinations of characteristics typical of males and those typical of females, such as both a testis and an ovary, or XY chromosomes (the usual male pattern) and a vagina. They may have features that are not completely male or completely female. One in 2,000 babies are considered intersex. Intersex replaces the term "hermaphrodite."

MTF/FTM (male to female/female to male) is the short-form indicating transition – MTF is someone who was born male-bodied and is transitioning to female. FTM is someone who was born female-bodied and is transitioning to male.

Trans (or transgender) is used as an "umbrella" term to describe a wide range of identities and experiences that do not conform to stereotypical ideas about gender. These include – but are not limited to – pre-operative, post-operative, and non-operative transgender people, both binary and non-binary (genderqueer, agender, bigender, etc.); cross-dressers, intersex individuals, and people, regardless of sexual orientation, whose appearance or characteristics are perceived to be gender atypical.

Transition is the process of changing one's gender presentation and/or sex characteristics to align with one's internal sense of gender identity – the idea of what it means to be a man or a woman or to be genderqueer. Transitioning can mean lots of different things. It can involve medical treatment and hormones. It can involve changing your name and preferred pronouns. It can involve changing your appearance and dress. It can involve coming out to your friends and family. It can be a long and ongoing process. Or it can be something that happens over a short period of time.

Transphobia is the unrealistic or irrational fear and hatred of cross-dressers, transsexuals and transgender 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 trans people.

Two-Spirit is a modern umbrella term used by some indigenous North Americans to describe certain people in their communities who fulfill a traditional third-gender (or other gender-variant) ceremonial role in their cultures. Many people mistakenly associate “Two-Spirit” with “LGBT Native American.” They are not interchangeable. Two-Spirit is never to be used by non-Indigenous people.

APPENDIX C: Sample Employee Transition Letter

Friends and Coworkers,

I am writing this to inform you of some changes happening in my personal life that will also affect some changes here at work.

As some of you may already know, gender has been an ongoing struggle for me for most of my life. I have made previous requests to many of you personally that I not be addressed in feminizing terms such as lady, girl, chick, etc., and my requests have been largely respected.

Often we find that the older we get, the more important it is for us to be more authentic, truer versions of ourselves and to feel comfortable in our own skin. It becomes less important to try to ‘fit into’ the labels and boxes that we feel others expect and accept of us. We must all learn at some point to love and accept ourselves in order to be truly happy. For me, self-acceptance has been a very difficult road. I must be my authentic self. My authentic self, my gender identity is that of a transgender man. Therefore, I have begun to take steps to live my life as a man full time.

My name has been changed to (employee’s new name) and my pronouns to male. i.e. He/Him/His, not She/Her/Hers. This change has already taken place outside of work and will be effective here immediately. While I understand that it can be a difficult adjustment, it is my expectation that these changes will be respected and utilized in a reasonably timely manner, as the use of female names and pronouns cause me discomfort and distress.

In time, physical changes will also begin to become visible. While transition from one gender to another can be a lengthy and very personal process that differs for each individual, it does not change my core being. I am, and will continue to remain, the same person that you have come to know, with the same ideas, morals, and ethics.

For some of you this may be difficult to understand or accept. I do not expect that you change your personal convictions or beliefs. I only ask that my identity as well as my privacy be respected in the workplace. It is my hope that this process be respected and accepted without causing unnecessary disruption at work.

Many of you may have never encountered a transgender person before and may have questions. I encourage you to direct any reasonable and appropriate questions to me in a respectful manner. There is also a very wide array of information available online, should you choose to research and educate yourself. I will be happy to provide anyone with information as to where these learning tools can be accessed.

I look forward to continuing my employment at (*place of employment*) as a valued member of our workforce. In fact, having this issue addressed and behind me, I will be more at peace. It is my expect-

tation that I will maintain the good working relationships that I currently have with you all. Some of you may feel apprehensive initially, but please remember that I am still the same person that you have always known.

Thanks to all of you for your consideration, patience, and understanding.

Sincerely,

(NEW Name)

APPENDIX D: Useful Contacts

The list below is meant to be a helpful guide to some of the contacts and supports available.

PFLAG Canada

pflag.ca

Trans Lifeline

translifeline.org

Trans Equality Canada

transequalitycanada.com

Canadian Human Rights Commission

chrc-ccdp.ca >“Key Issues” >“LGBTQ2I+ Rights”

Egale Canada

egale.ca

Transgender Rights and Employer Responsibilities

canadaemploymenthumanrightslaw.com >“transgender”

Federal Government ‘Trans’ Bill C-16

openparliament.ca >“bills” >“C-16”

Interligne

interligne.co/en

Centre for Gender Advocacy

genderadvocacy.org

Gender Creative Kids

gendercreativekids.ca

APPENDIX E: Transgender Observances

March 31 Trans Visibility Day of Awareness

Since 2009, the day has been an annual event dedicated to celebrating transgender people and raising awareness of discrimination faced by transgender people worldwide.

May 17 International Day against Homophobia, biphobia and Transphobia

Since 2004, the Day represents an annual landmark to draw the attention of decision makers, the media, the public, opinion leaders and local authorities to the alarming situation faced by lesbian, gay, bisexuals, transgender and intersex people and all those who do not conform to majority sexual and gender norms.

November 20 Transgender Day of Remembrance

Since 1999, trans communities and allies solemnly observe an annual Transgender Day of Remembrance. Remembered at events internationally are those who have lost their lives to anti-transgender violence.

The Canadian Labour Congress's Allies booklet was a useful resource in putting this Transition Guide together.



www.usw.ca/humanrights



uswmetallos
MetallosCA



@SteelworkersCA
@MetallosCA

United Steelworkers Canadian National Office
234 Eglinton Ave. E., 8th Floor • Toronto ON • M4P 1K7
Ph: 416.487.1571 • Fax: 416.482.5548 • Web: usw.ca

District 6 Trans Liason
Mayson Fulk
mfulk@usw.ca

