

<b>STATEMENT of POLICY and PROCEDURE</b>			
Chapter:	Human Resources	SPP No.	<b>HR 5.20.ON</b>
Section:	Employee Relations	Issued:	Dec. 16, 2019
Subject:	<b>ACCOMMODATION on the BASIS of GENDER EXPRESSION or GENDER IDENTITY</b>	Effective:	Jan. 1, 2020
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## **1 POLICY**

1.01 The **Community Resource Centre** is committed to having policies and practices that recognize and embrace diversity in our operations and to providing accommodation to the point of undue hardship, when necessary, to those who request it with respect to their gender identity and gender expression, while, at the same time, respecting the employee's right to privacy.

## **2 PURPOSE**

2.01 The purpose of this Statement of Policy and Procedure is to:

1. Promote recognition of the inherent dignity and worth of all people without regard to their gender identity or gender expression.
2. Provide for equal rights and opportunities without discrimination and harassment because of gender identity and gender expression.
3. Create a climate of understanding and mutual respect, so that people of all genders, including trans, non-binary and two-spirited people, feel they belong in the community and can contribute to it.
4. Accommodate the needs of an employee, client or customer, to the point of undue hardship, with respect to gender identity or gender expression, when so requested by the employee, client or customer.

## **3 SCOPE**

3.01 This policy and its related procedures apply to all employees of the **Community Resource Centre**.

## **4 RESPONSIBILITY**

4.01 An employee is responsible for informing their supervisor if a workplace policy or practice conflicts with their gender identity or gender expression and explain how the policy or practice conflicts with such expression. The employee may request an accommodation, if necessary. An employee who makes a request for accommodation is also responsible for working with the supervisor to find a reasonable accommodation, dealing in good faith and being reasonable and realistic in such requests.

4.02 It is the supervisor's responsibility to ensure that no employee suffers discrimination or harassment on the basis of gender identity or gender expression and to receive and

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respond to an employee’s request for accommodation on the basis of gender identity and gender expression in a timely manner. Supervisors will assess the request for accommodation and work with the employee to find a reasonable accommodation that balances the employee’s needs and the **Community Resource Centre’s** requirements while assessing cost and health and safety risks. Supervisors are required to deal in good faith and consider reasonable alternatives, on a case by case basis.

- 4.03 The **Executive Director** or a designate is responsible for:
- (a) the review and amendment, as necessary, of policies and procedures that may have a direct or indirect discriminatory effect on employees on the basis of gender identity or gender expression;
  - (b) assisting an employee with a transition plan to address different issues that may arise in the workplace such as the revision of personnel and personal records, ID photos, etc., as necessary, as a result of a change in the employee’s gender identity or gender expression; and
  - (c) arranging for appropriate training and education of employees in the workplace to ensure that no employee, client or customer experiences disrespect or harassment because of their gender identity, gender expression or trans status.

## **5 DEFINITIONS**

- 5.01 “**Gender identity**” is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person’s sexual orientation.
- 5.02 “**Gender expression**” is 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.
- 5.03 “**Trans or transgender**” is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms. It includes but is not limited to people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, non-binary, two-spirited, gender non-conforming, gender variant or gender queer.

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## 6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

*Ontario Human Rights Code*

SPP HR 2.01.ON — Employment Principles

SPP HR 2.02.ON — Recruitment and Selection

SPP HR 5.03.ON — Workplace Harassment

SPP HR 5.10.ON — Dress Code

## 7 PROCEDURE

- 7.01 Upon request and with the consent of a trans employee or one who is transitioning, the **Community Resource Centre** shall work with the employee to develop a transition plan to support gender confirmation for the employee, such as changing the employee's name in personnel records and personal files, washroom use and, to determine and implement a communication strategy to educate co-workers. However, such education and communication shall only be to the extent the employee is comfortable with.
- 7.02 An employee requesting accommodation on the basis of gender identity or gender expression shall do so in writing, as soon as possible after the specific need arises. The request shall include the circumstances and requirements which necessitate the need for an accommodation and the nature of the accommodation requested. The request must be submitted to the employee's immediate supervisor.
- 7.03 The employee's supervisor shall, within a reasonable time after receiving the request, work with the employee to reach an accommodation that is reasonable in the circumstances, while maintaining the dignity of the employee and in accordance with applicable laws.
- 7.04 The **Community Resource Centre** will endeavour to ensure that all employees have reasonable access to washroom or change room facilities that meet their gender identity preference and at the same time respects the needs and comfort level of all employees.
- 7.05 (a) An employee who is transitioning shall advise the **Executive Director** of any change to their name and gender identity for the purposes of extended health and benefit coverage as soon as possible after the change has occurred.
- (b) The **Executive Director** shall ensure that the employee's personnel and personal records are updated accordingly and, where necessary, new photo

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identification is issued to show an accurate likeness and name of the employee.

- 7.06 The **Community Resource Centre** will maintain an employee's right to privacy and will only disclose information about the employee's gender identity and gender expression for the purposes of educating employees, and only with the full participation and consent of the employee.
- 7.07 Harassment of an employee on the basis of their gender identity or gender expression is strictly prohibited. Refer to SPP HR 5.03.ON — Workplace Harassment for more information.