# **Gender Identity and Gender Expression**

Every person has the right to identify and express their gender. A person shall not be discriminated against because of their gender identity or gender expression.

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#### **Gender Diversity**

Many people incorrectly think of sex and gender as the same thing.

**Sex** is the classification of people as male, female or intersex. Sex is usually assigned at birth based on what genitalia the baby is born with.

**Gender** is the behavioral, cultural, or psychological traits typically associated with biological sex. Gender is related to beliefs about femininity and masculinity. Beliefs related to gender vary among cultures and change over time.

**Gender Identity** is "who you know yourself to be". That may be a woman, man, both, neither, or anywhere along the gender spectrum. Gender identity cannot be observed or measured, only reported by the individual.

**Gender Expression** is everything we do that expresses or communicates our gender such as our clothing, hair style, mannerisms, way of speaking, role we take in interactions, chosen name, preferred pronoun, etc.

People who identify their gender the same as their birth assigned sex are referred to as cisgender, cisman, ciswoman or cis. This includes, but is not limited to: people who identify as transwoman (birth-assigned male who identifies as a woman) or transman (birthassigned female who identifies as a man).

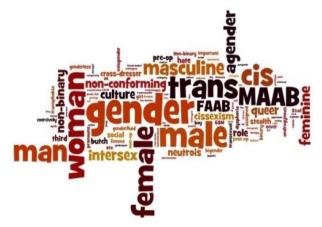
Trans people are of all ages and come from all walks of life, cultures and faiths.

Some people do not identify as either a man or a woman. Others identify as both man and woman. People may identify themselves as two-spirited, genderqueer, gender fluid, or non-binary.

All people have the right to be recognized and respected as the gender(s) with which they identify.

It is not necessary for a person to undergo surgery or update their identity documents in order to expect to be treated with dignity and respect.

Everyone has a gender identity.



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#### Human Rights: Everyone's Responsibility

The Commission develops Fact Sheets to provide the public with a basic understanding of issues arising under the *Human Rights Act*. Each situation is unique. This is not legal advice. If you have any questions, feel free to contact the Commission.

Employers, service providers and landlords are responsible for taking steps to prevent discrimination and to provide a safe, welcoming environment for trans people.

Harassment by co-workers, supervisors, or customers is unacceptable. An employer may be liable for any discrimination or harassment that occurs.

Employers, service providers and landlords are responsible for accommodating a trans person's needs unless doing so would cause undue hardship.

### **Everyone Should Know**

Every person has the right to be called by their chosen name and pronoun.

Every person has the right to use washrooms, change rooms, and other sex-segregated services and facilities that reflect their gender identity. Having gender inclusive facilities is a positive step, but a trans person should not be required to use a separate facility or be segregated.

Every trans athlete has the right to compete on the team which reflects their gender identity.

Dress code policies should be inclusive and flexible, and must not prevent people from dressing according to their expressed gender.

Establishing and enforcing non-discriminatory practices should address most of the needs of a trans client/colleague; however, there may be times when a trans person requires specific accommodation.

### **Examples of Accommodation**

Adding partitions or individual stalls in locker rooms.

Allowing a person to take time off work for medical attention or procedures.

### Examples of Discrimination Based on Gender Identity and Gender Expression

Ally, a transwoman, has been told by her manager she can no longer use the women's washroom at work because she makes some other women uncomfortable.

Ally is experiencing discrimination on the basis of gender identity.

Laura is an athletic cisgirl who wears her hair short and masculine clothes. Groups of kids in her school and players on teams from other schools repeatedly harass her and call her names because of how she looks and dresses. The school refuses to address it.

Laura is experiencing discrimination on the basis of gender expression.

## **Confidentiality of Information**

If an employer or service provider needs and collects personal information that identifies a person's birth assigned sex as being different from their gender identity, that employer or service provider must ensure that the individual's privacy is protected.

It is always up to the person to decide whether, and to whom, they disclose their birth assigned sex or gender identity.

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