



EMPLOYMENT

Trans people in British Columbia have:

The right to **equal access to employment**. This means an employer cannot refuse to hire us because we are trans. An employer cannot fire us because we disclose we are trans or because someone outs us. There are some very narrow exceptions:

Trans people who need regular access to medical professionals due to transition may be excluded from military service.

In BC, there is an exception in the BC Human Rights Code that allows non-profits that serve an identifiable 'vulnerable' group (such as women) to discriminate against trans people. This was used to prevent one woman from volunteering with a domestic/sexual violence organization because she was trans. Fortunately, many women's organizations (including every organization affiliated with the Ending Violence Association of BC) welcome and include trans women.

Unless the employer falls under one of these two categories, they must not discriminate against trans people.

The right to **equal pay for equal work**. This means an employer cannot pay us differently from other employees because we are trans.

The right to **fair access to promotion and training opportunities**. An employer cannot deny us a promotion or training opportunity because we are trans.

The right to have the **name and pronouns that we use** used in the workplace, regardless of our legal name and legal sex. This includes all internal forms, work email addresses, and ID badges. If the name that we use is not the same as our legal name, our employer may need to include our legal name on some government forms. We can ask our employer to include a note with these forms that indicates the name that we use.

Activist Spotlight

Gayle Roberts (featured above), now retired, transitioned on the job as a high school teacher. She continued to be respected by students, parents, and staff alike. Visit our website to find out more about Gayle's success story.

The right to **change our gender identity and presentation on the job**. This will likely go much smoother if we talk to our supervisor or human resource person first. This applies even if we do not plan on having surgery.

Many employers are open to accommodating trans employees, but are unsure of how to help and nervous about doing the wrong thing.

It's not fair, but we may have to educate our employers about what it means to be trans. It might help you feel less nervous if you plan out what you want to say ahead of time. You might want to give your employer some pamphlets, links to websites, books, or other information to help them understand. Many employers are open to accommodating trans employees, but are unsure of how to help and nervous about doing the wrong thing.

Work with your supervisor or human resource manager to come up with a plan for transition that works for you and your employer. There is no one way that someone should transition at work. It all depends on what you are comfortable with. Some people choose to transition slowly, while others take a few days off and present in their affirmed gender as soon as they get back.

The right to access a **washroom or change room** that is appropriate for our gender.

The right to wear a **uniform** that corresponds to our felt gender.

The right to be protected by the employer from **bullying and harassment** we might face related to our gender identity or expression.

The right to keep our trans status **confidential**, if we so choose. If our employer is aware that we are trans, they must keep that information confidential.

The right to take **time off work for medically necessary treatments**, including gender-affirming surgeries. We do not need to tell our employer what kind of surgery we are having. Our employer has the right to know and ask:

When we expect to be off.

How long we will be off.

Whether the procedure might affect our ability to do our job, and if so, how.

Whether we will need any special accommodation on our return to work.

Our employer can ask for a note from our doctor confirming any time off for medically necessary treatments, or any special accommodation on our return to work.

Our employer can ask for a note from our doctor confirming any of these things. We can lessen the risk that we will have problems in the workplace by:

Providing our employer with a doctor's note confirming our need for time off and the dates we are expected to be off.

Giving our employer as much notice as possible that we will need time off.

Working with our supervisor and co-workers to make sure our work can be covered while we are off.

Staying in touch with our employer while we are off, even just to check in and see how things are going.

Giving our employer regular updates if our return to work date changes.

How can you stand up for your rights?

1. Record what happened.

Be sure to include the five W's for each incident: what happened, where it happened, when it happened, who was involved, and why it happened. Include as much detail as possible.

2. If you feel safe doing so, **talk with the person** who is causing the problem. For information about advocating for yourself in an assertive way, see the *Self-Advocacy for Trans People* guide on our website.

3. If a person continues to mistreat you after you have spoken with them, you can bring it up with your **supervisor or human resource manager**. If the person mistreating you is your supervisor, you can bring it up with their boss. Your employer has legal obligations under human rights and workers' compensation law to make sure you are not bullied or harassed in the workplace.

4. If that still doesn't stop the behavior, you can make a **formal complaint** to someone outside your work. You have two options:

Complain to WorkSafeBC. They will send someone to investigate the complaint and attempt to resolve it. If that is unsuccessful, you can file a formal complaint. A WorkSafeBC mediator will try to help both sides reach a settlement. If the problem remains unsolved, they will appoint an officer to review the situation and decide how the problem should be fixed. This decision can be appealed.

5. **Complain to the BC Human Rights Tribunal** (See *Human Rights Complaints* on our website).

For information on organizations and resources that can help you stand up for your rights, please visit transrightsbc.ca

The Catherine White Holman Wellness Centre and the VCH Transgender Health Information Program produced this document as general legal information. It was reviewed by The Law Office of Barbara Findlay, QC and is current as of July 2015. It is not legal advice, as each situation is unique.