
RESOURCES

The Manitoba Human Rights Commission
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The Rainbow Resource Centre
170 Scott St.
Winnipeg, Manitoba, R3L 0L3
www.rainbowresourcecentre.org
(Resources, Counseling and Referral)

Nine Circles Community Health Centre
705 Broadway
Winnipeg, Manitoba, R3G 0X2
www.ninecircles.ca
(advocacy, counselling and referral)

Gender Transitioning at Work

*For individuals who want to
learn more about it (2008)*

The information contained in this brochure contains opinions and legal information, not legal advice. To find out more, contact the Manitoba Human Rights Commission.

TRANSITIONING AT YOUR WORKPLACE

Whether you identify as female-to-male (FTM) or male-to-female (MTF), transitioning at your workplace will depend on a number of circumstances including:

- Determining how supportive your co-workers and supervisors are.
- If your workplace has diversity, harassment, and equal opportunity policies and whether they are enforced.
- Is there any recourse for transphobia?
- Are washroom facilities divided by sex? Or do you have single-stall options?
- Are the washrooms safe such as in physical space as well as atmosphere?
- What is the general atmosphere at work? Do you feel safe physically? Socially?

The decision of whether or not you transition at your workplace, including personal disclosure or “coming out”, is ultimately up to you.

Applying for a Job, Getting Hired

Consider the following when applying for a job:

- Do you think they will be supportive or hostile?
- If the workplace is not supportive, can you emotionally and psychologically handle the environment? Would it affect your performance?

Can My Employer Tell Me How to Dress?

An employer has the right to set Dress Codes. This includes uniforms, type of attire (ie. casual or business), and hair grooming (including facial). The question of gender/sex identity is more complicated. Can you follow the dress code according to your gender or sex identity? Talk with your human resources designate.

As difficult as the subject may be, informing upper management about your transition may alleviate some workplace discomfort. If they are not supportive, document the episode as it may be a violation of your human rights.

I Choose to Transition on the Job

The Manitoba Human Rights Commission can privately and confidentially provide you with information and knowledge should you choose to transition on the job.

You may want to consider strategizing your disclosure. Having resource and contact material on hand are helpful should there be any questions. Note that in many cases, employers who have had the situation carefully explained end up supportive during the disclosure and adjustment period. The Human Rights Commission can work with both the employer and employee to ease in the transition process.

An unsupportive employer may “over supervise” or may say things like “customers may not feel comfortable” or “your transition may affect sales and service.” These are not grounds to prohibit your transition. Your transition has absolutely no impact on your skills and abilities. In human rights law, the fact that a customer may not like an aspect of a person (be it race, ethnicity, heritage, etc.) is not sufficient reason for the employer to discriminate against an employee.

Know the Law

Your Right to Privacy

Like being gay, lesbian or bisexual, your employer has no right to disclose your gender identity to anyone without your consent. Unfortunately it does happen and when it does, what do you do?

If you are being harassed, by anyone, at work, make sure you document the episode with as many details as possible; it is your right to file a human rights complaint, should you choose to do so. If your employer “outed” you maliciously, knowing that you would be harassed, the employer may be liable of discrimination under human rights legislation.



The Manitoba Human Rights Code prohibits discrimination on the grounds of differential treatment of an individual based on “actual or presumed membership in or association with some class or group of persons, rather than on the bases of personal merit; or differential treatment of an individual or group on the bases of any characteristic,” such as “gender-determined characteristics or circumstances other than those included in clause.” [Applies to all non Federal workers]

The Canadian Human Rights Act “prohibits unreasonable discrimination on grounds of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted.” While gender identity and expression is not explicitly stated, it is implied. [Applies to all Federal workers]

The Canadian Charter of Rights and Freedoms states that “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability... [Applies to all workers]

If you feel discrimination at any point during the employment process - including the interview process, work place orientation and all other aspects of working on the job site - it is imperative that you document the incident (include: who, what, where, when, how). Should you eventually file a human rights complaint, the documentation will be helpful (although you can file without documentation).

When Filing a Human Rights Complaint

Filing a complaint can be a lengthy process that involves investigation, interviews and time. During this period, continue documenting incidents (including perceived incidents). If your workplace has a harassment officer, it is a good idea to bring them resources and information - they may not have an educated understanding of trans issues.

The Human Rights Commission can also help by informal mediation with the goal of a “pre-complaint resolution”. A friendly phone-call may be all it takes to halt the harassment or discrimination.

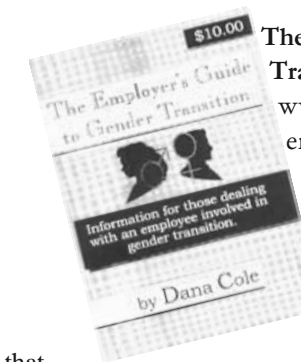
Contact the Manitoba Human Rights Commission for consultation or to file a complaint.

Lastly, and throughout the process, consider counselling to help you cope with any workplace stress and anxiety (see Resources section).

Suggested Readings

Egale Canada Supports Bill to Recognize Human Rights of Trans People. Protection Needed for Disfranchised Minority.

<http://www.egale.ca/index.asp?lang=E&menu=34&item=1256>



The Employer's Guide to Gender Transition. By D. Cicotello(1992) http://www.ifge.org/books/employers_guide.htm

How I Made a Gender Transition on the Job. By Ina Fried (article) http://www.nlgja.org/publications/articles/fried_transition.htm

Lost in Transition (article) <http://www.guardian.co.uk/money/2008/jan/19/workandcareers>

Lynn's Story, By Lynn Conway (2001) http://www.nlgja.org/publications/articles/fried_transition.htm

Sex Reassignment Surgery (SRS) Backgrounder <http://www.egale.ca/index.asp?lang=E&menu=1&item=1086>

Transsexual Transition, Manage a Gender Change at Work , By Dan Wong (2007) <http://career-advice.monster.com/gay-lesbian-bisexual-transgender/diversity-inclusion/GLBT-workers/Transsexual-Transition/home.aspx>

Transitioning at Work, Guidelines for Employers http://www.gires.org.uk/Text_Assets/Transition%20at%20Work.pdf

Work Transition for Transexual Women <http://www.tsroadmap.com/reality/jobtrans.html>