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# Support and inclusion measures for trans and non binary individuals in the work environment

Guide for employers and unions

*Rights of trans and  
non-binary individuals  
Identity  
awareness*

*The Charter of Rights  
and Freedoms*

*The  
Act  
Respecting  
Occupational  
Health and Safety*



TABLE NATIONALE DE LUTTE CONTRE  
L'HOMOPHOBIE ET LA TRANSPHOBIE  
DES RÉSEAUX DE L'ÉDUCATION

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*In memory of Jacques Pétrin,  
with gratitude.*

*We wish to mention Jacques' contribution to this guide,  
but most of all, his exceptional contribution, for over 40 years,  
to the defence of the rights of members of the LGBTQ+ communities.  
It's thanks to people who put all their hearts in supporting just causes,  
like Jacques did, that our societies are doing better.*

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This document was written by the work committee on support and inclusion measures for trans and non-binary people in the work environment:

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# List of abbreviations and acronyms

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## Abbreviations and acronyms

*Charter*: Québec Charter of Human Rights and Freedoms

CNESST: Commission des normes, de l'équité, de la santé et de la sécurité du travail

LGBTQ+: lesbians, gays, bisexuals, trans, queers and more

ARLS: *Act respecting labour standards*

AROHS: *Act respecting occupational health and safety*

RREGOP: Régime de retraite des employés du gouvernement et des organismes publics

QPP: Québec Pension Plan

OHS: Occupational health and safety

## Notes

- The term *educational institution* refers to school boards (including schools, vocational training centres and adult learning centres), private educational institutions, CEGEPs, private colleges, universities and public schools.
- The term *education personnel* covers individuals working in the education field, from preschool to university. It includes teachers, management staff, professionals, support staff, administrators and contract workers (coaches, sports referees, healthcare workers, school bus drivers, etc.).

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# Introduction

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1

**Gender identity**<sup>1</sup> is a personal and relational experience, a profound and intimate feeling of someone's gender. **Gender** exists on a continuum between the masculine and feminine gender, without being limited to it.

The term *non-binary* includes any gender other than female or male. The absence of gender is defined by the term *agender*.

The term *trans* includes any individual whose gender identity doesn't correspond to the gender assigned at birth (**sex designation**<sup>2</sup> recorded on the birth certificate).

The term *trans* thus includes both **binary trans individuals** (trans men and women) and **non-binary individuals**. We have chosen, however, to refer distinctly to trans and non-binary individuals on many occasions throughout this document to highlight the importance of taking those different realities into account.

## 1.1 General purpose of the guide

Every person has the right to be protected against discrimination in the different aspects of their life, including in the work environment. In 1998, the Human Rights Tribunal recognized that the ground of gender provided in the Québec *Charter of Human Rights and Freedoms* could be invoked to make discrimination against trans individuals illegal. The 2016 amendment of the Québec *Charter of Human Rights and Freedoms* made explicit the prohibition to discriminate on the basis of identity or gender expression<sup>3</sup>.

In January 2018, the Table nationale launched its guide aimed towards educational institutions, called *Measures for openness to and support for trans and non-binary students*. The goal of that first document was to help those institutions “create environments that guarantee trans and non-binary students the right to equality, dignity, integrity, well-being and safety”<sup>4</sup>.

The purpose of this guide is similar, but it focuses more specifically on the support to offer trans and non-binary individuals to facilitate their inclusion as members of educational institutions' staff. In that respect, the proposed measures aim to institute a welcoming dynamic and professional environment for these individuals.

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<sup>1</sup> A more in-depth glossary can be found in section 10.

<sup>2</sup> The legal term used by the Directeur de l'état civil to refer to a person's gender remains to this day **designation of sex**, even though this expression reinforces the inappropriate association between sex and gender. [etatcivil.gouv.qc.ca/en/change-sexe.html].

<sup>3</sup> See Annex I or more information on the evolution of the rights of trans individuals and trans and non-binary youth.

<sup>4</sup> TABLE NATIONALE DE LUTTE CONTRE L'HOMOPHOBIE ET LA TRANSPHOBIE DES RÉSEAUX DE L'ÉDUCATION (2018). *Measures for openness to and support for trans and non-binary students*, Québec, 90 p. Also available online: [tablehomophobietransphobie.org/wp-content/uploads/2018/01/Brochure-Jeunes-Trans-Web.pdf](http://tablehomophobietransphobie.org/wp-content/uploads/2018/01/Brochure-Jeunes-Trans-Web.pdf) (French version) and [tablehomophobietransphobie.org/wp-content/uploads/2018/01/1718-020\\_BrochJeunesTrans-ANG\\_web.pdf](http://tablehomophobietransphobie.org/wp-content/uploads/2018/01/1718-020_BrochJeunesTrans-ANG_web.pdf) (English version).

In addition, appendices I and II offer a comprehensive list of available organizations and resources as well as various awareness-raising workshops and training offers.

In the respect of legal obligations (Section 4), it is up to each organization to use this guide or not, or to adapt its proposed measures.

## **1.2 Who should read this guide?**

This document was written for educational institutions' management, in particular for human resources' management, to help them create living environments that guarantee trans and non-binary individuals the right to equality, dignity, integrity, well-being and safety. It aims more specifically to facilitate the introduction of support and inclusion measures for these people to ensure fair access to employment and promotion while respecting their fundamental rights.

This guide is thus intended to be useful as much to employers as to unions or any other association, as well as to all education network personnel, from preschool to university.

This guide can also be useful to employers, human resources teams or unions in any other work environment, with the applicable adjustments.

## **1.3 Who produced this guide?**

This guide was written by the Table nationale de lutte contre l'homophobie et la transphobie des réseaux de l'éducation. This Table is made up of representatives from the main stakeholders of the education environments, including the Ministère de l'Éducation et de l'Enseignement supérieur (MÉES), trade unions and employer organizations, managers' associations, parents committees and student associations. The Table's mission and objectives and the list of member organizations can be found in Appendix II.



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# Overview of the situation

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2

Every individual has the right to be protected against discrimination. Despite that right, statistics about trans individuals in general, and in the work environment in particular, reveal a situation that is very disturbing.

A Canadian study has shown that many trans individuals are either fired or not hired, or that they leave or refuse some positions, because their safety is compromised<sup>5</sup>. The consequences of such discrimination in employment are heavy, since they initiate a cycle of poverty and social exclusion from which it's difficult to get out of<sup>6</sup>.

Among the trans individuals who have a job, 15% said that their colleagues never accepted them for who they were nor respected their identity.

Trans individuals who have a job suffer important forms of violence, discrimination and exclusion in the work environments. Mockery, verbal violence, non-observance of the chosen pronouns, absence of medical leave related to the transition, difficult access to the bathrooms and lockers, confidentiality violation regarding their trans status are a few examples<sup>7</sup>.

Those violences and that significant systemic marginalization lead to important mental health risk for trans individuals. For example, suicide is a widespread phenomenon in that population: 77% of those individuals seriously contemplated suicide, while 43% attempted suicide<sup>8</sup>.

About 50% of trans individuals have an annual income of \$15,000 or less<sup>9</sup>, and only 37% have a full-time job<sup>10</sup>. The same study reveals that trans individuals face particular challenges in the hiring process. For example, providing recommendation letters can be problematic if previous jobs were held before the person's transition.

This obligation to disclose their trans status to both previous and potential employers can be a hardship and entails a discrimination risk<sup>11</sup>. The same problem can happen when it comes to getting academic transcripts, degrees and qualification certificates.



<sup>5</sup> BAUER, Greta, et al. (2011). "We've Got Work to Do: Workplace Discrimination and Employment Challenges for Trans People in Ontario", *Trans PULSE E-Bulletin*, [Online], vol. 2, no 1 (May 30), 3 p. [transpulseproject.ca/wp-content/uploads/2011/05/E3English.pdf].

<sup>6</sup> BARIL, Alexandre (2017). "Trouble dans l'identité de genre : le transfémisme et la subversion de l'identité cisgenre : une analyse de la sous-représentation des personnes trans\* professeur-es dans les universités canadiennes" [Trouble in gender identity: transfeminism and cisgender identity subversion: analysis of trans\* professors under-representation in Canadian universities], *Philosophiques*, vol. 44, n° 2, p. 290.

<sup>7</sup> BARIL, Alexandre (2017). "Briser le plafond de verre pour les personnes trans" [Breaking the glass ceiling for trans individuals], *Le Devoir* (November 20).

<sup>8</sup> SCANLON, K., et al. (2010). "Ontario's Trans Communities and Suicide: Transphobia is Bad for Our Health", *Trans PULSE E-Bulletin*, [Online], vol 1, no 2 (November 12), 2 p. [transpulseproject.ca/wp-content/uploads/2010/11/E2English.pdf].

<sup>9</sup> BAUER, G., et al. (2010). "Who are Trans People in Ontario?", *Trans PULSE E-Bulletin*, [Online], vol. 1, no 1 (July 26), 2 p. [transpulseproject.ca/wp-content/uploads/2010/07/E1English.pdf].

<sup>10</sup> BAUER, Greta, et al. (2011). "We've Got Work to Do: Workplace Discrimination and Employment Challenges for Trans People in Ontario", *Trans PULSE E-Bulletin*, [Online], vol. 2, no 1 (May 30), 3 p. [transpulseproject.ca/wp-content/uploads/2011/05/E3English.pdf].

<sup>11</sup> BAUER, Greta, et al. (2011). "We've Got Work to Do: Workplace Discrimination and Employment Challenges for Trans People in Ontario", *Trans PULSE E-Bulletin*, [Online], vol. 2, no 1 (May 30), 3 p. [transpulseproject.ca/wp-content/uploads/2011/05/E3English.pdf].

We thus find that trans individuals are often not respected nor accepted in the work and home environments they are a part of. Some are therefore forced to make difficult choices between their well-being or a job with an unhealthy atmosphere<sup>12</sup>, which should not be tolerated. For all those reasons, it's important to implement concrete support and inclusion measures for trans individuals in educational institutions, notably because it's a matter of respecting personal integrity, as well as occupational health and safety. The proposed measures aim to promote a welcoming dynamic and professional environment for trans individuals, but also to reduce the marginalization and risks of violence that they are still subjected to.

There are multiple specific challenges faced by trans individuals in the work environments and they have serious consequences. Those difficulties are multiplied at the different intersections of discrimination. For example, the fact that migrant trans individuals don't have the right to change their sex designation or their first name on their identity papers<sup>13</sup> makes their job search more difficult. Knowing that migrant individuals have more difficulty finding a job than the people who don't have an immigration background and knowing that racialized people with an immigration background have an even higher unemployment rate<sup>14</sup>, such accumulation of barriers to employment becomes even more difficult to surpass for racialized trans individuals with an immigration background.



<sup>12</sup> BAUER, Greta, et al. (2011). "We've Got Work to Do: Workplace Discrimination and Employment Challenges for Trans People in Ontario", *Trans PULSE E-Bulletin*, [Online], vol. 2, no 1 (May 30), 3 p. [[transpulseproject.ca/wp-content/uploads/2011/05/E3English.pdf](http://transpulseproject.ca/wp-content/uploads/2011/05/E3English.pdf)].

<sup>13</sup> "To qualify to change the sex designation appearing on the act of birth, the person concerned by the application must hold Canadian citizenship and be domiciled in Québec for at least one year." [Online]. [[etatcivil.gouv.qc.ca/en/change-sexe.html](http://etatcivil.gouv.qc.ca/en/change-sexe.html)] (Consulted October 1, 2019).

<sup>14</sup> EID, Paul (2012). *Mesurer la discrimination à l'embauche subie par les minorités racisées : résultats d'un « testing » mené dans le grand Montréal* [Measuring hiring discrimination suffered by racialized minorities: results of a test led in Greater Montréal]. Montréal, Commission des droits de la personne et des droits de la jeunesse (May), 52 p. Also available online: [cdpdj.qc.ca/publications/etude\\_testing\\_discrimination\\_emploi.pdf](http://cdpdj.qc.ca/publications/etude_testing_discrimination_emploi.pdf).



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# Personal journey

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3

Individual paths of trans persons are very diverse, both regarding the transition and their life in general. These paths are the result of personal choices and might involve a combination of the following transitions:

- social: disclose their gender identity to the people around them in different aspects of their lives
- legal: proceed to change their first name or sex designation at the registrar of civil status
- medical: resort to surgery or hormonal treatments

Some trans individuals can also go through a career reorientation or go back to school.

Considering the various transition and life journeys of trans and non-binary individuals, **the support and inclusion measures to be offered need to be based on an open discussion with the person, a discussion which will clarify both their concerns and their wishes regarding the concrete actions that can be undertaken to answer them.** For example, some trans individuals have a deep and vital need of medical treatments related to their gender affirmation. It is their fundamental right to have access to these treatments. Thus, if a trans individual decides to start a medical transition, it will be important that the discussion include, among other things, the topic of the required medical leaves for the treatment and recovery.

### Some testimonials

 *It's frightening, but at the same time I was sure I would be shown respect in my process. I am fortunate to be in a workplace with humanistic values.*

*[...] and the transition meant I really could thrive more, really express myself in what I am.*

*You can't do a transition randomly. You need to have a plan because there are surgeries coming, etc. There are appointments, there are times you need to miss work. You need to have an agreement beforehand.*

Samuel Desbiens, trans individual



*What I found the most beautiful, it's to see Marie blossom. Over the meetings we had, as time went by, to see how good she felt in her own skin.*

Julie Usereau, Human Resources Director  
Pratt & Whitney Canada



*I'd love for others to feel good in a work environment and to earn a living like everyone else, not to earn a living differently because you are a trans individual or not earn a living at all because you are a trans individual.*

Emma Lanteigne, trans individual<sup>15</sup>



<sup>15</sup> Excerpts of testimonials presented on the website of Fondation Émergence: <https://www.fondationemergence.org/?lang=en>.



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# Employers' and unions' obligations

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4

## 4.1 Charter of Human Rights and Freedoms

According to the *Charter of Human Rights and Freedoms*<sup>16</sup>, every person has a right to be treated in full equality, without distinction, exclusion or preference based on any ground provided in section 10. Harassment based on any of these grounds is also prohibited based on section 10.1 of the *Charter*:

**Section 10.** Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

**Section 10.1.** No one may harass a person on the basis of any ground mentioned in section 10<sup>17</sup>.

Also, section 16 brings additional details about the workplace:

**Section 16.** No one may practise discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment<sup>18</sup>.

Sections 1, 4 and 5 also provide relevant information that should be noted:

**Section 1.** Every human being has a right to life, and to personal security, inviolability and freedom.

**Section 4.** Every person has a right to the safeguard of his dignity, honour and reputation.

**Section 5.** Every person has a right to respect for his private life<sup>19</sup>.

The *Guide sur les droits des personnes face à l'homophobie en milieu de travail*<sup>20</sup>, produced by the CNESST in 2016, may be useful even though it focuses on discrimination based on sexual orientation, since the legislation to which it refers also applies to gender issues.

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<sup>16</sup> QUÉBEC (2019). Charter of Human Rights and Freedoms, chapter C-12, updated to June 1, 2019, [Online], Québec, Éditeur officiel du Québec. [legisquebec.gouv.qc.ca/en/showdoc/cs/C-12].

<sup>17</sup> RLR c. C-12, ss. 10 and 10.1.

<sup>18</sup> RLR c. C-12, s. 16.

<sup>19</sup> RLR c. C-12, ss. 1, 4 and 5.

<sup>20</sup> COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL and MINISTÈRE DU TRAVAIL, DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE (2016). Guide sur les droits des personnes face à l'homophobie en milieu de travail [Guide on human rights regarding homophobia in the workplace], 20 p. Also available online: cnesst.gouv.qc.ca/Publications/200/Documents/DC200-1586web.pdf.

## **4.2 Act respecting occupational health and safety**

Section 9 of the *Act respecting occupational health and safety*<sup>21</sup> states the right for every worker to working conditions that have proper regard for their health, security and physical well-being.

Section 49 states that the employer must take the necessary measures to ensure that this right is protected. Consequently, a healthy, safe, intimidation-, violence-, harassment-, homophobia- and transphobia-free workplace is a vital right.

## **4.3 Act respecting labour standards**

Finally, the main instrument in harassment matters remains the *Act respecting labour standards*<sup>22</sup> (ARLS), the terms of which clearly specify the employer's obligations and possible remedies of the employee.

**81.18.** For the purposes of this Act, “psychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee’s dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment<sup>23</sup>.

Psychological harassment includes sexual harassment and any form of discriminatory harassment, like that based on race, colour, ethnic or national origin, sex, gender identity or expression, or based on any other ground provided in chapter 10 of the *Charter of Human Rights and Freedoms*, as long as it's characterized by the “vexatious behaviour” defined above. In all cases, the ARLS dispositions, the employer's responsibilities and the remedies apply, whether they are specified or not in the work contract or the collective agreement of the employee.

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<sup>21</sup> QUÉBEC (2019). Act respecting occupational health and safety, chapter S-2.1, updated to June 1, 2019, [Online], Québec, Éditeur officiel du Québec. [legisquebec.gouv.qc.ca/en/showdoc/cs/S-2.1].

<sup>22</sup> QUÉBEC (2019). Act respecting labour standards, chapter N-1.1, updated to June 1, 2019, [Online], Québec, Éditeur officiel du Québec. [legisquebec.gouv.qc.ca/en/showdoc/cs/N-1.1].

<sup>23</sup> RLRQ c. N-1.1, s. 81.18.

Section 81.19 of the ARLS states the employee's right and employer's responsibilities including, since January 1, 2019, specific obligations in regard to its prevention policy.

**81.19.** Every employee has a right to a work environment free from psychological harassment.

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it. They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature<sup>24</sup>.

#### ***4.4 Act to prevent and fight sexual violence in higher education institutions***

The purpose of the *Act to prevent and fight sexual violence in higher education institutions*<sup>25</sup>:

is to strengthen actions to prevent and fight sexual violence in higher education institutions and to help foster a healthy and safe living environment for students and personnel members. To that end, the Act provides in particular for the implementation of prevention, awareness-raising, accountability, support and individual assistance measures.

In this Act, the concept of sexual violence refers to any form of violence committed through sexual practices or by targeting sexuality, including sexual assault.

It also refers to any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviours or attitudes with sexual connotations, including by a technological means<sup>26</sup>.

The targeted educational institutions<sup>27</sup> are required to adopt a policy to prevent and fight sexual violence that is separate from any other policy. This policy must take into account at-risk people in particular, including sexual or gender minorities (section 3). This policy has to have been adopted before January 1, 2019, and implemented on September 1, 2019 at the latest (section 18). The educational institution must revise its policy at least once every five years (section 11).

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<sup>24</sup> RLRQ c. N-1.1, s. 81.19.

<sup>25</sup> QUÉBEC (2019). Act to prevent and fight sexual violence in higher education institutions, chapter P-22.1, updated to June 1, 2019, [Online]. [legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-22.1].

<sup>26</sup> RLRQ c. P-22.1, s. 1.

<sup>27</sup> Targeted educational institutions are listed in section 2 of the Act to prevent and fight sexual violence in higher education institutions.

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# Responsibilities of the employer and the union

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# 5

## 5.1 The employer's responsibilities

### Support and include trans and non-binary individuals in the workplace.

**Prevent discrimination and harassment is the employer's responsibility!<sup>28</sup>**

Every person has a right to dignity at work and to a workplace that is free from harassment<sup>29</sup>. The employer has the responsibility to take the reasonable means to prevent psychological harassment and, when such conduct is brought to their attention, make it stop. It should be noted that the employer's ignorance of a harassment situation can't, alone, exonerate them of their responsibilities.

Are added to their responsibilities as employers of higher education, the obligations related to the aforementioned *Act to prevent and fight sexual violence in higher education institutions*.

Section 3 of the *Act* states that the educational institution must establish a policy<sup>30</sup> with the objective to prevent and fight sexual violence.

The institution's policy must take into account the people most at risk of suffering sexual violence, like persons in sexual or gender minorities, from a cultural or Indigenous community, international students, as well as people with disabilities.

The institutions' **policies should provide for mediation measures by a third-party person or body**. Free mediation services are offered by the CNESST. The choice of a professional resource or a private practice other than the CNESST should be subject to an agreement between both parties (employer and union) involved, if the policy doesn't identify it.

Any employer's policy must be shared with the whole personnel, notably through awareness-raising and information activities, to create a work environment and conditions conducive to the prevention of harassment. The commitment of management must be consistent, known of all personnel and regularly emphasized in the same way as the other institution's policies. It must come through in the employer's policy and translate

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<sup>28</sup> COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL and MINISTÈRE DU TRAVAIL, DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE (2016). *Guide sur les droits des personnes face à l'homophobie en milieu de travail* [Guide about human rights regarding homophobia in the workplace], p.8. Also available online: [cnesst.gouv.qc.ca/Publications/200/Documents/DC200-1586web.pdf](http://cnesst.gouv.qc.ca/Publications/200/Documents/DC200-1586web.pdf).

<sup>29</sup> RLRQ c. N-1.1, s. 81.19.

<sup>30</sup> See the policies to prevent and fight sexual violence in higher education institutions: <http://www.education.gouv.qc.ca/en/colleges/enseignants-et-personnel-de-college/soutien-des-etudiants/sexual-violence/institutional-policies/>

into concrete, credible and efficient actions<sup>31</sup>. For example, access to information on the process and support in case of harassment or vexatious behaviour must be easy and known. It's of first importance that the employer ensure that a climate of trust prevails in the institution, welcoming the receipt of complaints in accordance with this policy.

## 5.2 The union's responsibilities

The union is well positioned to defend the rights of trans and non-binary individuals as well as to contribute to the establishment of a climate based on the fundamental values it stands for: equality, solidarity, justice, freedom and cooperation. Unions, through their representatives, have the legal and moral obligation to defend their whole membership, without distinction. The union's position regarding the inclusion of the gender diversity community as a whole should be explicit, for example in the statutes and regulations, and known of the whole membership, particularly by the representatives. Awareness-raising and information activities (events, documentation, information on the website, etc.) should be held regularly to create a welcoming climate that promotes solidarity and mutual assistance.

The ARLS dispositions on harassment are deemed an integral part of any collective agreement, considering the necessary adaptations<sup>32</sup>. **Thus, in addition to its mandate to defend its members in the application of the collective agreement, the union also has the responsibility to play a role in upholding the ARLS and the *Charter*, whether or not they are mentioned in the collective agreement.**

The Québec *Labour Code* is clear: a union has a representation duty towards all employees included in the negotiation unit it represents<sup>33</sup>, which of course includes its gender diversity members. That representation duty includes the negotiation for more inclusive collective agreements or the occasional defence of trans or non-binary members' rights.

The union must ensure that the employer respects its obligations otherwise remedies will be initiated. It must also inform the employees of their rights to a workplace without harassment and raise awareness and inform its members about these questions<sup>34</sup>.

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<sup>31</sup> COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL (2016). Psychological or sexual harassment, [Online], [cnt.gouv.qc.ca/en/in-case-of/psychological-or-sexual-harassment/index.html] (Consulted in November 2019).

<sup>32</sup> As provided by section 81.20 of the Act respecting labour standards.

<sup>33</sup> As provided by section 47.2 of the Labour Code: "A certified association shall not act in bad faith or in an arbitrary or discriminatory manner or show serious negligence in respect of employees comprised in a bargaining unit represented by it, whether or not they are members." Chapter C-27, [Online], [legisquebec.gouv.qc.ca/en/showdoc/cs/C-27].

<sup>34</sup> CONFÉDÉRATION DES SYNDICATS NATIONAUX (2017). Ni plus ni moins, comme tout le monde [No more no less the same as everybody], [Online], 5th version (June), 16 p. [csn.qc.ca/wp-content/uploads/2017/09/2017-06-01\_lgbt\_publication\_csn.pdf].



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**Rights  
and remedies  
for the trans  
and non-binary  
individual**

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**6**

As previously stated, the trans status of a person (at the moment of transition or later) can put them in a position of vulnerability. In some cases, they can be subjected to bullying, harassment or discrimination, which is unacceptable.

A **non-unionized employee** believing they are the victim of harassment can file a complaint to the CNESST within the two years following the last demonstration of the behaviour<sup>35</sup>, if they are not a member of any union and are not a public employee.

A **unionized employee** (member or not of a union) needs to use the grievance procedures or other remedies provided in the collective agreement, within the two years following the last demonstration of the behaviour. The collective agreement could provide for a longer delay than two years, but not a shorter one<sup>36</sup>. At any moment before the deliberations, a joint request from both parties can be presented to the Minister of Labour in order to designate someone to engage in a mediation.

To summarize, the rights and remedies of trans and non-binary individuals and of any other individual from the sex, gender or sexual orientation diversity can be found in:

- the collective agreement
- the *Act respecting labour standards*
- the *Act respecting occupational health and safety*
- the *Charter of Human Rights and Freedoms*

Moreover, it can be wise to verify if the institution has a policy regarding psychological harassment and sexual violence (RLRQ c N 1.1, s. 81.19). That policy can provide for the appointment of a person in charge of receiving reports and complaints and can be an additional tool within the framework concerning these questions.

<sup>35</sup> RLRQ c. N-1.1, s. 123.6 and following.

<sup>36</sup> RLRQ c. N-1.1, s. 81.20.

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# Basic principles

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### Preliminary notes

- To prevent improvisation, it is strongly suggested that the employer, in collaboration with the union, put general inclusion and support measures in place before getting requests to that effect.
  - Awareness-raising activities in the workplace are of utmost importance to create an open climate fostering the inclusion of trans and non-binary individuals.
  - Discrimination intersections (gender, race, class, ability, etc.) are factors one must also take into account in the implementation and application of support and inclusion measures, and in awareness-raising activities.
  - Measures must be adapted to take into account the specific needs of the people involved as they express them. Those measures are not a rigid construction.
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- In doubt, refer to the *Charter of Human Rights and Freedoms*.
  - The intentional or persistent refusal to respect the gender identity or expression of a person can be considered a form of harassment or discrimination that can lead to legal consequences.
  - The only reliable indicator of gender identity is the person's self-identification. The person must be believed and respected. That is first demonstrated by using the chosen first name, pronoun and grammar specified by the person.
  - There is no need for the first name or sex designation<sup>37</sup> to have been legally modified to the Québec register of civil status for this self-identification to be respected.
  - These individuals' right to confidentiality and respect of privacy must be preserved: one must make sure that their needs in this regard are well understood. Without an unequivocal notice to the contrary from the person, their transness<sup>38</sup>, transition journey, gender assigned at birth or previous first name must never be revealed.
  - The protection of every person's confidential information is a legal and ethical obligation. In the case of trans individuals in particular, the non-compliance of confidentiality can expose the person to discrimination, violence, exclusion and, in some cases, put their life in danger.



<sup>37</sup> We use sex designation, since it's the official term used by the registrar of civil status. We recognize, however, that it fosters an inappropriate association between sex and gender.

<sup>38</sup> Transness is when a person's gender identity is different from their gender assigned at birth, whether they modify or not their gender expression to match that identity. Source: Office québécois de la langue française [gdt.oqlf.gouv.qc.ca/ficheOqlf.aspx?Id\_Fiche=8359852].

- These people's integrity, like any other, must be protected. Trans and non-binary individuals have the right to be treated with dignity, equality and respect. This involves among other things avoiding remarks, questions, compliments or comments that are intrusive or not relevant to the conversation or the situation in which we interact, and that, even if it's out of simple curiosity.
- No support measure for trans and non-binary individuals must make it so they suffer any additional constraints, are isolated, marginalized, financially penalized or forced to reveal their trans journey without their consent. For example, a trans person must be able to use the most suitable bathroom for them and can't be forced to use a specific bathroom.
- Trans and non-binary individuals asked to contribute their time in the elaboration or revision of policies, support measures, press releases or other activities must be fairly remunerated or compensated for their work, the same way any other person employed by the institution would be for participating in particular projects. For example, the time invested to collaborate to various tasks could run during a person's work hours, without adding to their normal workload.



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# Concrete measures

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## 8.1 General measures to put in place

Management and the union both should confer and collaborate regarding the initiatives and implementation of the measures.

It is also strongly suggested, when relevant, that the union put similar measures in place in its inner workings, for example by offering awareness-raising and training activities to its members, reviewing its policies or statutes and regulations, adjusting its forms, etc.

### 8.1.1 Awareness-raising and training activities

Offering awareness-raising and training activities about sex, gender and sexual orientation diversity to the whole personnel and student community, and articulate that training around the fight against other forms of discrimination and violence (sexism, racism, etc.).

### 8.1.2 Information

- Ensure that the institution's whole community is aware that a trans or non-binary individual has the right to use the bathrooms and lockers in which they feel most at ease and safe.
- Inform and raise awareness of the institution's community about the obligation to respect each of its members, including the identity or gender expression aspect, notably by using on a daily basis the first name, pronoun and grammar specified by any person who asks (regardless of any procedure initiated or not with the registrar of civil status).

### 8.1.3 Publications and other communication methods

- Use the term *gender* instead of the term *sex* if this information remains relevant; if not, remove that reference to the person's gender or sex.
- Start a reflection on the pertinence of using forms of address (sir, madam).
- Use a gender-neutral language (for example, nominalization).

### 8.1.4 Employer's policies

- Review employer's policies, those regarding bullying, harassment and violence in particular, to ensure they include sexual orientation, gender identity and gender expression when pertinent, and that incident reports are clear about the bullying or harassment ground (sexism, homophobia, transphobia, etc.).
- If needed, write a specific policy to support the inclusion of individuals from diversity related to sex, gender or sexual orientation.
- Ensure that the French language policy (or other similar policy) is inclusive and allows for the respect of non-binary people's gender identity.

### 8.1.5 Forms

- Adapt the forms:
  - by removing the sex or gender question when that information isn't necessary
  - by using a gender-neutral vocabulary whenever possible, for example "parent" instead of "father" and "mother"
  - by replacing "sex" with "gender" when the question is pertinent and by adding other answer options, in addition to "male" and "female"<sup>39</sup>

Examples of answer options related to gender:

- Male
- Female
- Non-binary, agender, prefer not to answer, etc.: \_\_\_\_\_

### 8.1.6 Software

- Adapt human resources software(s) to use the chosen first name wherever the use of the official name isn't a legal obligation.

N.B.: The legal name must only be used for communications involving an external entity, for example for group insurance, issuing a cheque, tax documents, the RRQ, the RREGOP.



<sup>39</sup> It isn't pertinent to include the word trans or any of its derivative in the answer options, since that word doesn't refer so much to a gender identity as to a journey or a status of non-identification to the gender assigned at birth.

- Standardize institutional computer systems where gender assigned at birth appears, so that the gender change is taken into account and integrated globally.
- Remove gender information in the institutional codes (permanent code and any other code that includes a differentiation based on the gender assigned at birth)<sup>40</sup>.
- Facilitate the modification of gender-related fields (first name and sex designation) in the institution's database when the name and sex designation are legally confirmed.

### 8.1.7 Bathrooms and lockers

- From the outset, provide to everyone, clearly indicated neutral bathrooms, easily accessible and at a reasonable distance.
- Include the planning of easily accessible neutral bathrooms as well as gendered bathrooms, if applicable, as well as neutral and clearly indicated lockers in any new construction and renovation plan.

### 8.1.8 Clothes and uniforms

- Review the rules regarding clothes or uniforms, if applicable, so that they are not discriminatory for anyone's gender identity or expression. For example, if a uniform is mandatory and exists in two models, make sure only the person wearing it has the final choice between those two models.

N.B.: The decision about the time to start dressing according to the desired gender identity belongs to the person. They can choose to inform the employer and union of this decision to facilitate their protection against negative attitudes or comments, if appropriate.

- Ensure that the uniform provider produces the required sizes in all models.
- Show flexibility in the dress code to take into account gender expression related or not with a transition process, if applicable.

### 8.1.9 At the time of interview or hiring

- Make sure that trans and non-binary individuals are treated with fairness during the interview or hiring process – and during their whole career in the institution – notably by offering training to the people sitting on selection committees.



<sup>40</sup> This measure facilitates the respect of privacy for trans and non-binary individuals who are undertaking a legal or social transition journey.

### 8.1.10 Employee assistance program

- Ensure that the employee assistance program (EAP) or any other similar programs have personnel who is trained to welcome and support trans and non-binary individuals in a professional, welcoming and respectful manner.

N.B.: Under no circumstances, the trans or non-binary status of a person should be:

- invoked to refuse to welcome that person in the program
- implied in any way as being pathological in itself

## 8.2 Specific measures to support the person involved

- Use the chosen first name for any internal communication, for example in the personal file, in the composition of the person's institutional email address or Moodle, in written communications with the person, in the personnel directory, on the institution identity card, on the pay slip, on the seniority list, on the students schedules for teachers or any personnel in contact with them, etc.

N.B.: French is a particularly gendered language, as much through pronouns as adjectives' grammar, which creates a problem for the respect of non-binary individuals, respect which they deserve. Even though the official authorities don't recognize, for now, the use of neutral pronouns and grammar, many reflections about this are happening in Québec<sup>41</sup> and elsewhere. The Table supports the use of neologisms or other gender-neutral communication language practices, as long as these practices correspond to the will and needs of those involved<sup>42</sup>.

- Make sure that clear modalities protect the access to the person's confidential information.
- Offer support, if the person asks, be it during the transition or afterwards.

N.B.: It is important that the employer's inclusive attitude be clear and known by the whole personnel, so that a trans or non-binary individual knows that they can call on their employer in a confident, safe and efficient manner.

- Determine with the person, if applicable, whether or not a transition plan would be pertinent, and what it could comprise.



<sup>41</sup> The reflections in the *Petit guide des enjeux LGBTQIA+ à l'université* [Quick guide on LGBTQIA+ issues in university] are one example. Also available online: [setue.net/wp-content/uploads/2018/04/Guide-enjeux-LGBTQIA-UQAM-2017.pdf](http://setue.net/wp-content/uploads/2018/04/Guide-enjeux-LGBTQIA-UQAM-2017.pdf).

<sup>42</sup> The people involved are best suited to develop new neutral linguistic tools and have them adopted.



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# A few points to consider for a transition plan

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The trans or non-binary individual can decide to manage their social transition at work on their own, without support, formal assistance or any form of transition plan.

They can also decide to inform their immediate supervisor or the human resources department and explain what collaboration they need. It is advisable to involve a union representative from that first step. If the trans individual so desires, other people could join that support and assistance group for the development of a transition plan, for example a member of the institution's LGBTQ+ committee, a colleague the person trusts, a person representing the union's executive board.

It is essential to **fully understand the person's needs in terms of support and assistance**, for instance to clarify what information must stay confidential, what will be revealed, how, by whom and when. **Dialogue must be maintained** so that adjustments can be made during the process, if needed.

**A transition plan is unique to each trans individual** and could include some of the following elements, depending on the needs demonstrated by the person:

- Will specific people be in the know in advance?
- Does the person want to reveal their gender identity themselves? At what pace?
- Does the person prefer that an announcement be made simultaneously to the whole personnel, to their immediate colleagues only, to the student population?
- What channel will be used to disclose the chosen information (i.e. during a meeting or in a general email, in which case who would be the sender, etc.)?
- From what date does the person want their chosen first name, pronoun and grammar related to their gender identity to be used?

N.B.: The modalities to modify the first name in the different files and the photo, if applicable, must be ready to be applied at the date chosen by the person.

- Does the person want to specify a date from which they will modify their gender expression (clothing, etc.)?
- Will the person need leaves related to medical treatments?

It is important that the individual feel their needs and their choices in relation to the transition plan are a priority and that the employer is supportive in this process.

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# Glossary

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Note: **Gender identity and gender expression vocabulary is still evolving.**

The purpose of this glossary is not to rule on terminology, but to take stock of the vocabulary currently used and thus promote respectful communication<sup>43</sup>.

**Affirmation of gender identity** – The process where a trans person reveals, expresses and confirms their gender identity and integrates it into their personal and social life.

**Assigned gender at birth** – The classification of a person as female or male based on the appearance and structure of external genitalia. The assigned sex at birth determines the sex designation indicated on the child's birth certificate.

**Cisgender** – Refers to a person whose gender identity corresponds to their assigned gender at birth.

**Cissexism** – The presumption that everyone is cisgender. Cissexism contributes to the marginalization of other gender identities and asserts that only the gender binary is legitimate.

**Discrimination** – The differential treatment of an individual or group of individuals based on personal characteristics. Discrimination may occur in the form of distinction, exclusion or preference and may be carried out by a person or by an organization. It creates inequalities between individuals and prevents the targeted individual or group of individuals from fully exercising their rights. There are several types of discrimination: direct, indirect and systemic. All forms of discrimination are prohibited by the Québec Charter of Human Rights and Freedoms and are therefore banned in Québec.

**Gender expression** – Gender expression defines the way a gender is presented, expressed made visible or significant (clothes, hairstyle, makeup, behaviour, body language, tone of voice, etc.). A person's gender expression may correspond to what is typically "male" or "female", but can also unfold differently. It can evolve over time and not always necessarily indicate a person's gender identity. The interpretation of a person's gender expression also depends on the cultural and social context that person is in. For example, it is cultural and arbitrary to state that a particular type of hairstyle is masculine rather than feminine.

**Gender fluidity** – The breaking of binarist social constructions (man – woman) and the amalgam between sex and gender.



<sup>43</sup> DUBUC, Dominique (2017). *Les mots de la diversité liée au sexe, au genre et à l'orientation sexuelle* [Words of sex, gender and sexual orientation-related diversity]. [Online]. Fédération nationale des enseignantes et des enseignants du Québec (FNÉE-Q-CCSN), 15 p. [<https://fneeq.qc.ca/wp-content/uploads/Glossaire-2017-08-14-corr.pdf>]

**Gender identity** – An individual’s intimate, personal and internal sense of gender. **Gender** is a spectrum that encompasses two poles, male and female, but is not limited to these two poles. A person’s gender identity can differ from their assigned gender at birth.

**Heterosexism** – The presumption that everyone is heterosexual. Moreover, heterosexism contributes to the marginalization of other sexual orientations and asserts that heterosexuality is the only legitimate orientation.

**Homophobia** – Any negative attitude, direct or indirect, that may lead to rejection of and discrimination against lesbian, gay or bisexual individuals, or any individual whose appearance or behaviour does not conform to male or female stereotypes.

**Intersex** – An individual born with sexual characteristics (chromosomal, gonadal, hormonal or genital) that do not correspond to typical binary definitions of male or female bodies. Pathologized by the medical field, many of these individuals are subjected to irreversible surgical interventions to which they have not consented and that are noncritical to the maintenance of health, with the aim of conforming their body to typical male and female models. The term “hermaphrodite,” previously used to designate intersex individuals, is to be avoided, as it is often considered offensive by these individuals.

**Non-binary** – A person who identifies outside of the male or female gender.

**Queer** – An individual who chooses this term to affirm their sexual orientation, gender identity or gender expression. Many queer individuals embrace a political aspect of rejecting social norms through this self-identification. The reappropriation of this historically offensive term is seen as a form of empowerment.

**Self-identification** – The process by which a person openly defines an aspect of their identity, such as gender. Self-identification is the only way to determine a person’s gender identity.

**Sex** – Sex is a category determined based on the observation of biological characteristics (chromosomal, gonadal, hormonal or genital). Sex designation at birth is derived from this observation. Assigned sex does not define an individual’s gender identity, expression or experience.

**Sex designation** – A reference in a document to a person’s gender based on the sex indicated on their birth certificate. This designation may or may not actually correspond to the individual’s gender identity. It is possible to file an application with the registrar of civil status to change sex designation so that the person’s designation corresponds to their gender identity. In Québec, the sex designation classifies people as male or female.

**Sexual orientation** – Affective or sexual attraction for another person. It should be noted that a person’s gender identity and sexual orientation are not connected.

**Trans** – A term referring to any person whose gender identity does not correspond to the assigned sex at birth (**sex designation** on their birth certificate). The term *trans* thus includes **binary trans individuals** (trans men and trans women) as well as **non-binary individuals**.

**Transition** – A series of social, medical and/or legal processes that a person may undertake to affirm their gender identity. It is a personal journey unique to each person.

**Trans man** – Man whose assigned gender at birth was female.

**Transness** – Term defining the fact of being trans. Transness is when a person's gender identity is different from their gender assigned at birth, whether they modify or not their gender expression to match that identity<sup>44</sup>.

**Transphobia** – Any negative attitude that may lead, directly and indirectly, to rejection of and discrimination against trans individuals or any person whose appearance or behaviour does not conform with male or female stereotypes. Purposefully using the wrong pronouns or first name, either in the presence or absence of the person in question, is an example of transphobia.

**Trans woman** – A woman whose assigned gender at birth was male.

**Two-Spirit** – Generic term, whose definition may vary among various Indigenous communities, that identifies the Indigenous who assume roles, attributes, clothes and attitudes of multiple sexes for personal, spiritual, cultural, ceremonial or social reasons. The term can be a reference to sexual orientation, gender identity or gender expression. Not all Indigenous people of sexual minorities identify as two-spirit: some can self-identify as lesbian, gay, bisexual, trans or queer.



<sup>44</sup> OFFICE QUÉBÉCOIS DE LA LANGUE FRANÇAISE (2019). "Transitude" [Transness], Le grand dictionnaire terminologique, [Online]. [gdt.oqlf.gouv.qc.ca/ficheOqlf.aspx?Id\_Fiche=8359852].

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# Annexes

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# Annex I

## Evolution of the rights of trans individuals, trans youth and non-binary youth in Quebec

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**In 1998**, the Human Rights Tribunal recognized the illegal nature of discrimination against trans individuals by arguing the grounds of sex under the *Québec Charter of Human Rights and Freedoms*<sup>45</sup>. The Tribunal offered the opinion that discrimination based on an individual's "transsexuality" was, in fact, discrimination based on sex, regardless of whether or not the "final step" of transition was taken. Since 2013, the legislative framework no longer recognizes the idea of steps of a transition.

**In 2013**, the adoption of the *Act to amend the Civil Code as regards civil status, successions and the publication of rights* by the National Assembly allowed for the amendment of the Civil Code. Doing so eliminated the requirement of undergoing any medical treatment (hormonal or surgical) in order to request and obtain a change in the sex designation appearing in the birth certificate.

**On October 1, 2015**, the Québec government adopted the Regulation respecting change of name and of other particulars of civil status<sup>46</sup> in order to apply the provisions of the Act assented to in 2013. Since this date, any person of full age (18 years and over) who requests a change is no longer obligated to undergo medical treatment or surgery to have the sex designation appearing on their act of birth modified. The applicant must provide an affidavit attesting that:

- the sex designation requested is the designation that best corresponds to the applicant's gender identity;
- the applicant assumes and intends to continue to assume that gender identity;
- the applicant understands the seriousness of the undertaking;
- the applicant's undertaking is voluntary and their consent is given in a free and enlightened manner;
- to the applicant's knowledge, the information and reasons provided are complete and accurate.



<sup>45</sup> Commission des droits de la personne et des droits de la jeunesse and M.L. c. Maison des jeunes, CanLII 28, [1998] R.J.Q.2549 (T.D.P.Q.).

<sup>46</sup> QUÉBEC (2019). Regulation respecting change of name and other particulars of civil status, chapter CCCQ R.4, [Online], Québec, Éditeur officiel du Québec. [legisquebec.gouv.qc.ca/en/ShowDoc/cr/CCQ,%20r.%204].

In addition to the specified documents, the request must be accompanied by an affidavit of a person of full age who attests to having known the applicant for at least one year and who confirms that the applicant is fully aware of the seriousness of the application.

**On June 10, 2016**, the National Assembly unanimously adopted Bill 103, *An Act to strengthen the fight against transphobia and improve the situation of transgender minors in particular*<sup>47</sup>. This Act amends:

- the Québec *Charter of Human Rights and Freedoms* to add “**gender identity or expression**” to the grounds for discrimination prohibited by section 10, thereby providing explicit protection to trans individuals<sup>48</sup>;
- the *Civil Code* and the *Regulation respecting change of name and other particulars of civil status*<sup>49</sup> to allow a **minor child who is 14 years of age or over to ask alone** in in applying for a change of name and of sex designation from the registrar of civil status;
- the *Civil Code* in order to allow, in the case of a minor child under 14 years of age, the child’s legal guardian to make a request to the registrar of civil status for a change of name and of sex designation. It also stipulates that if the other parent or guardian intends to object to the change of name or of sex designation of their minor child, they may submit an application to the court rather than to the registrar of civil status.

An application for a change of the sex designation for a minor child must be accompanied by, in addition to the specified documents:

- a letter from a health professional who is of the opinion that the change of designation is appropriate
- an affidavit ensuring that the applicant is fully aware of the seriousness of the application



<sup>47</sup> QUÉBEC (2016). Bill no 103: An Act to strengthen the fight against transphobia and improve the situation of transgender minors in particular, [Online], Québec, Éditeur officiel du Québec, 41st Legislature, 1st Session. [assnat.gc.ca/en/travaux-parlementaires/projets-loi/projet-loi-103-41-1.html].

<sup>48</sup> Note that sexual orientation has been a ground of discrimination prohibited by the Québec Charter of Human Rights and Freedoms since 1977.

<sup>49</sup> RLRQ c. CCCQR.4.

**Since June 2017**, gender identity or expression are included as grounds of discrimination prohibited by the *Canadian Human Rights Act*<sup>50</sup>. The same bill also amended the *Criminal Code* to:

[...] extend the protection against hate propaganda set out in that Act to any section of the public that is distinguished by gender identity or expression and to clearly set out that evidence that an offence was motivated by bias, prejudice or hate based on gender identity or expression constitutes an aggravating circumstance that a court must take into consideration when it imposes a sentence<sup>51</sup>.

Since August 31, 2017, there are three options for the Sex field on a Canadian passport or a travel document for a non-Canadian: F Female; M Male; X Another gender<sup>52</sup>.



<sup>50</sup> CANADA (1985). Canadian Human Rights Act, chapter H-6, updated to June 6, 2019, [Online]. Canada. [laws-lois.justice.gc.ca/eng/acts/h-6/].

<sup>51</sup> CANADA (2017). An Act to amend the Canadian Human Rights Act and the Criminal Code, chapter 13, [Online]. Canada. [laws-lois.justice.gc.ca/eng/AnnualStatutes/2017\_13/FullText.html].

<sup>52</sup> GOUVERNEMENT OF CANADA (2019). Choose or update the gender identifier on your passport or travel document, [Online]. [canada.ca/en/immigration-refugees-citizenship/services/canadian-passports/change-sex.html] (Accessed on July 23, 2019).

## Annex II

# Table nationale de lutte contre l'homophobie et la transphobie des réseaux de l'éducation – Mandate, objectives and composition

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### Mandate

The mission of the Table nationale is to support concerted action between the different partners of the education system. It fosters an improved understanding of the realities of sexual diversity, gender plurality, and intersexuality. It aims to promote values of respect, inclusion and acceptance of individuals faced with those realities.

Furthermore, it aims to promote behaviours to prevent and stop situations of bullying, violence, heterosexism, cissexism, cyberbullying, homophobia and transphobia experienced by youth and staff in schools, colleges and universities.

### Objectives

- Raise awareness in schools, colleges and universities about the presence and acceptance of sexual diversity, gender plurality and intersex individuals in order to fight against homophobia and transphobia and their adverse effects on students and staff members.
- Invite all staff members from the education community to take concrete action, particularly by including the realities of sexual diversity, gender plurality and intersexuality, as well as the issues of homophobia and transphobia, in the students' educational concerns and school, college and university paths.

- Act in an advisory capacity with competent authorities, especially the education system, in accordance with government policies and action plans that are relevant to the Table's mission.
- Promote available resources in connection with the different realities experienced by people of sexual diversity or gender plurality and by intersex individuals, especially in terms of research, intervention tools, educational guides, supportive community organizations, etc.

## Composition

The Table nationale is made up of a broad range of key stakeholders in the education community, in particular, from the Ministère de l'Éducation et de l'Enseignement supérieur (MEES), labour organizations, employer organizations, administration and management associations, parents' committees and student associations. A list of the member organizations of the Table nationale de lutte contre l'homophobie et la transphobie des réseaux de l'éducation can be found at the beginning of this document.

## History

In fall 2005, the Centrale des syndicats du Québec (CSQ) called on several stakeholders from the education system to provide an update on the issue of homophobia. After viewing the DVD *Silence SVP* produced by the CSQ, the attendees confirmed the existence of homophobia in institutions in the school and college systems.

In 2006, the 17 organizations in attendance (labour organizations, employer organizations, parents' committees, student associations and MEES) agreed on the importance of implementing two provincial round tables to fight homophobia, one for the school system and one for the college system.

Realizing that the problems faced by LGBTQ+ youth were quite similar in institutions in both the school and college systems, the member organizations of the Table nationale decided, in June 2014, to merge the two round tables to become the Table nationale de lutte contre l'homophobie et la transphobie des réseaux de l'éducation.

In 2019, the Table nationale brings together over 30 organizations primarily from the education system.

## Annex III

# List of member organizations of the Table nationale de lutte contre l'homophobie et la transphobie des réseaux de l'éducation

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### Government departments

- Ministère de l'Éducation et de l'Enseignement supérieur (MÉES) (one person representing the primary and secondary levels and one person representing higher education)
- Ministère de la Justice (one person from the Bureau de lutte contre l'homophobie et la transphobie)

### Employer, service or representation organizations

- Association des collèges privés du Québec (ACPQ)
- Association des commissions scolaires anglophones du Québec/Québec English School Boards Association (ACSAQ/QESBA)
- Bureau de coopération interuniversitaire (BCI)
- Fédération des cégeps, represented by the Commission des affaires étudiantes
- Fédération des commissions scolaires du Québec (FCSQ)
- Fédération des établissements d'enseignement privés (FEEP)

### Administrative and managerial personnel

- Association des directions générales des commissions scolaires (ADIGECS)
- Association montréalaise des directions d'établissement scolaire (AMDES)
- Association québécoise des cadres scolaires (AQCS)
- Association québécoise du personnel de direction des écoles (AQPDE)
- Fédération québécoise des directions d'établissement d'enseignement (FQDE)

## Labour organizations

- Association provinciale des enseignantes et enseignants du Québec/Québec Provincial Association of Teachers (APEQ/QPAT)
- Centrale des syndicats du Québec (CSQ) and its educational federations:
  - Fédération des syndicats de l'enseignement (FSE-CSQ)
  - Fédération des professionnelles et professionnels de l'éducation du Québec (FPPE-CSQ)
  - Fédération du personnel de soutien scolaire (FPSS-CSQ)
  - Fédération du personnel de l'enseignement privé (FPEP-CSQ)
  - Fédération des enseignantes et enseignants de cégep (FEC-CSQ)
  - Fédération du personnel professionnel des collèges (FPPC-CSQ)
  - Fédération du personnel de soutien de l'enseignement supérieur (FPSES-CSQ)
- Confédération des syndicats nationaux (CSN) and its educational federations:
  - Fédération nationale des enseignantes et enseignants du Québec (FNEEQCSN)
    - CEGEP cluster and private cluster
  - Fédération des employées et employés des services publics (FEESP-CSN) – educational support sector
  - Fédération des employées et employés de services publics (FEESP-CSN) – CEGEP support sector
- Fédération autonome de l'enseignement (FAE)
- Fédération des travailleurs et travailleuses du Québec (FTQ) and its education unions:
  - Canadian Union of Public Employees (CUPE)
  - Syndicat des employées et employés professionnels-les et de bureau (SEPB)
- Syndicat de professionnelles et professionnels du gouvernement du Québec (SPGQ)
  - college sector

## Parents' association

- Québec Federation of Parents' Committees (QFPC)

### **Student associations**

- Association pour une solidarité syndicale étudiante (ASSÉ)
- Association pour la voix étudiante au Québec (AVEQ)
- Fédération étudiante collégiale du Québec (FECQ)
- Union étudiante du Québec (UEQ)

### **Sports**

- Réseau du sport étudiant du Québec (RSEQ)

### **Other organizations**

- Chaire de recherche sur l'homophobie de l'UQAM
- Table provinciale de concertation sur la violence, les jeunes et le milieu scolaire (TPCVJMS)



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# Appendixes

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# Appendix I

## External resources

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LGBTQ+ clinics and community organizations that provide services to trans and non-binary youth and their parents, and to trans adults.

### All of Québec – (helplines)

- Interligne** (formerly Gai-Écoute) Bilingual service  
[interligne.co/en/](http://interligne.co/en/)  
 Telephone: 514 866-0103 or 1 888 505-1010

Centre providing assistance and information to those concerned with sexual orientation and gender diversity.

**Organization offering a helpline available 24/7.**  
 Also offering online chat and email support.
- Centre de prévention du suicide de Québec** Bilingual service  
[cpsquebec.ca/en/](http://cpsquebec.ca/en/)  
 Telephone: 1 866 277-3553
- Aide aux trans du Québec (ATQ)**  
[atq1980.org](http://atq1980.org)  
 Telephone: 1 855 909-9038

### All of Québec

- Gender Creative Kids/Enfants transgenres Canada** Bilingual service  
[gendercreativekids.ca](http://gendercreativekids.ca)

Referral organization for trans children, non-binary children and their parents. It offers a directory of professional services for trans children and their parents. Training sessions are also available for staff at elementary schools, secondary schools and colleges.
- Clinique juridique Trans Legal Clinic** Bilingual service  
[facebook.com/CjtransLC/](https://facebook.com/CjtransLC/)

Clinic offering information and legal advice to help trans individuals change their identification papers. It provides information on requests for reasonable accommodation in the use of the preferred first name or sex designation at school, at work, etc.

- **Tell the Experts/Parlez-en aux experts** Bilingual service  
[www.alterheros.com/experts/](http://www.alterheros.com/experts/)

Organization providing information on trans identity. It also offers an online question and-answer service hosted primarily by sexologists and sexology students.

### Québec City and Montréal areas

- **Aide aux trans du Québec (ATQ)**  
[atq1980.org](http://atq1980.org)  
Helpline: 1 855 909-9038

Organization offering a help and referral line. It offers an extensive list of available resources for trans individuals in Québec.

### Montréal region

- **Head and Hands/À deux mains** Bilingual service  
[headandhands.ca](http://headandhands.ca)

Organization committed to the physical and mental health of young people. It offers a number of medical, social and legal services for youth aged 15 to 25, including trans youth.

- **Project 10** Bilingual service  
[p10.qc.ca](http://p10.qc.ca)

Organization working to promote the personal, social, sexual and psychological well-being of lesbian, gay, bisexual, trans, two-spirit, intersex and questioning youth aged 14 to 25.

- **Action Santé Travesti(e)s et Transsexuel(le)s du Québec (ASTT(e)Q)** Bilingual service  
[astteq.org/aboutus.html](http://astteq.org/aboutus.html)

Organization whose mission is to promote the health and well-being of trans individuals through peer support, activism, education, awareness, empowerment and mobilization.

- **Centre de santé Meraki Health Centre** Bilingual service  
[centremeraki.com](http://centremeraki.com)

Centre offering services including a pediatric gender variance program (0-18 years), medical follow-up for young trans adults (19 years and older), interdisciplinary development evaluations and development examinations for at-risk kids.

- **Institute for Sexual Minority Health** Bilingual service  
ismh-isms.com

Institute offering LGBT-focused training, consultation and clinical supervision for health professionals, educators and organizations.
- **L'Astérisik** Bilingual service  
lasterisk.com

A group of organizations providing a safe, bilingual, non-commercial space for lesbian, gay, bisexual, trans, queer and questioning young people up to age 25. Youth have access to information, services and various activities, in addition to benefiting from an intervention team and peer support.
- **Jeunesse Lambda**  
facebook.com/JLAMBD.A.MTL/

Francophone activity and discussion group led by and for LGBTQ+ or questioning youth aged 14 to 25.
- **Centre for Gender Advocacy** Bilingual service  
genderadvocacy.org

Bilingual organization affiliated with Concordia University providing peer support services and awareness training.

## Lanaudière

- **Le Néó**  
le-neo.com/

Organization helping individuals concerned with their sexual orientation or gender identity, or who have experienced discrimination, homophobia or transphobia. Le Néó offers support, assistance and listening services, particularly through meetings to break the isolation of these individuals, their friends and their families. The organization leads training workshops and manages booths in educational settings.

## Mauricie/Centre-du-Québec

- **TRANS Mauricie/Centre-du-Québec**  
transmcdq.com

Organization aiming to demystify trans identity among youth, adults and the general public, as well as to inform and make them aware of the negative effects of transphobia. Its objective is to develop the self-esteem of individuals who are questioning their gender identity or are in the process of transitioning, and to promote a positive attitude in those around them.

## Outaouais

- **Jeunesse-Idem** Bilingual service  
[facebook.com/jeunesseidem/](https://facebook.com/jeunesseidem/)

Organization aiming to improve the quality of life of gay, lesbian, bisexual, trans and questioning youth aged 14 to 25, as well as raise public awareness of the realities of sexual orientation and gender identity diversity.

## Estrie

- **IRIS Estrie – Projet Caméléon**  
[irisestrie.org](https://irisestrie.org)

Organization that works with trans individuals by giving them a meeting place to break their isolation and help them on their transition journey. It provides information on trans realities and on the process of transitioning.

## Bas-Saint-Laurent

- **MAINS – BSL** (Mouvement d'aide et d'information sida Bas-Saint-Laurent)  
[mainsbsl.qc.ca/](https://mainsbsl.qc.ca/)

Regional organization offering training and awareness workshops on the LGBT+ community, homophobia, transphobia, HIV and STBBIs. It also provides psychosocial support. It has developed an extensive list of health professional resources for the Bas-Saint-Laurent region.

## Abitibi-Témiscamingue

- **Coalition d'aide à la diversité sexuelle de l'Abitibi-Témiscamingue**  
[coalitionat.qc.ca](https://coalitionat.qc.ca)

Organization with the mission of improving the health and well-being of sexual and gender minorities. Its objectives are the following:

- Promote the adaptation of psychosocial services, educational services and health services to improve their quality and accessibility
- Implement regional measures to reduce homophobia and heteronormativity
- Break the isolation of lesbian, gay, bisexual and trans individuals (LGBT)

## Appendix II

### Training or workshops offered by various organizations to raise awareness to the realities of trans and non-binary individuals

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#### Gender Creative Kids/Enfants transgenres Canada

[gendercreativekids.ca](http://gendercreativekids.ca)

**Email:** [formations@enfantstransgenres.ca](mailto:formations@enfantstransgenres.ca)

Training sessions are available in both English and French. They last between 90 and 120 minutes, and the organization asks that schools make a financial contribution to offset a portion of travel expenses.

- **The fundamentals of diversity – Breaking gender stereotypes in schools: When we all contribute, everyone wins!**

Covering the following elements:

- Demystification of trans and non-binary identities using theory and scenarios
- Presentation of the specific experience of trans youth and the challenges they face
- Discussion of successful strategies to use fewer stereotypes in the school setting
- Proposal of a list of educational resources and material

#### LGBT Family Coalition

[familieslgbt.org/](http://familieslgbt.org/)

Training sessions are available in both English and French. They consist of modules and last two to three hours or a full day. They are offered for free through grants from different ministries. The Coalition asks that schools make a financial contribution to offset a portion of its travel expenses when training sessions take place in more remote regions.

- Key concepts of sexual diversity (homophobia, heteronormativity, gender identity, etc.)
- Strategies to support youth (coming out, discovery of a gay parent, gender stereotype non-conformity, etc.)
- Intervention in and prevention of bullying and harassment relating to homophobia, transphobia and the gender expression of youth
- Approaches, practices and resources to promote the respect of differences

- Mobilization of your work environment to increase inclusion and decrease resistance (from colleagues, parents, youth, etc.)
- Research on families with LGBT parents
- Homophobia and gender stereotypes in physical education (This training session is designed for physical education teachers.)

### **Institut national de la santé publique du Québec (INSPQ)**

[inspq.qc.ca/formation/institut](https://inspq.qc.ca/formation/institut)

The workshops last one day and are offered for free in all regions of Québec.

- Sexes, genres et orientations sexuelles : comprendre la diversité [French only]
- Adapter nos interventions aux réalités des personnes de la diversité sexuelle, de leur couple et de leur famille [French only]

### **Canadian Association for the Advancement of Women and Sport and Physical Activity (CAAWS)**

[caaws.ca](https://caaws.ca)

- **Webinar: Leading the way: LGBTQI2S inclusion in sport**

Jennifer Birch-Jones

[caaws.ca/workshops/homophobia/](https://caaws.ca/workshops/homophobia/)

- **Homophobia in sport**

**Leading the way for your organization: Addressing homophobia in sport**

(2- to 3.5-hour workshops)

The workshop enables coaches and other sports and physical activity leaders to become genuinely aware of the nature of homophobia and how it can be harmful to athletes, coaches, officials and other participants within their organization, regardless of sexual orientation.

This workshop proposes learning to be comfortable with the language associated with homosexuality (e.g. lesbian, homosexual, bisexual, two-spirit, transgender and gay [LHBT TG]) and addresses questions on sensitive issues, particularly same-sex romantic and sexual relationships between teammates, through open and honest discussions on homophobia and the important role that coaches and other sports leaders must play to ensure that the sports community is more accepting of sexual diversity.

## Égale Action

[egaleaction.com/intervenants-decideurs/](http://egaleaction.com/intervenants-decideurs/)

Three-hour workshop. The cost is \$300.

- **Montrer le chemin : travailler avec des athlètes lesbiennes, gais et bisexuel-le-s (briser les tabous, sortir de l'ombre) [French only]**

### Objectives:

- Raise awareness about homophobia for sports leaders or groups (e.g. coaches, athletes, officials) through case studies and other resources
  - Explain how homophobia can jeopardize an organization's performance and what can be done on a practical level to create a more welcoming sports environment for athletes, coaches, officials, personnel and volunteers
  - Identify the numerous negative impacts on the sport experience, where the topic of homosexuality is rarely addressed
  - Convey the importance for sport management or organizations to support athletes or coaches who had the courage to affirm their identity despite potentially negative reactions.
- A workshop on the **trans realities in sport**

## Institute for Sexual Minority Health (ISMH)

[ismh-isms.com](http://ismh-isms.com)

The ISMH offers a number of training sessions of various lengths, including:

- **Creating safe spaces: Affirming lesbian, gay and bisexual youth and adults**

Objective: To acquire the tools necessary to identify the important elements that contribute to creating safe and welcoming environments for lesbian, gay and bisexual individuals, and same-sex couples and families.

- **Shifting paradigms: A primer for working with transgender individuals**

Objective: To help anyone working in the schools or health field to better understand the issues and challenges experienced by transgender and transsexual individuals, and to develop intervention strategies tailored to their needs. Instructors: Bill Ryan and Françoise Susset

