



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	May 7, 2018
SUBJECT/REPORT NO:	Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Update (HUR17002(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jodi Koch 905-546-2424 Ext 3003
SUBMITTED BY:	Lora Fontana Executive Director Human Resources & Organizational Development
SIGNATURE:	

Council Direction:

On March 8, 2017, City Council approved the adoption of the Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming (Appendix A to Report HUR17002(a)) in order to specifically ensure and codify:

- (a) Individuals have the right to access gender-segregated facilities in accordance with their self-identified gender identity.
- (b) An individual shall be addressed by the individual's preferred name and referred to by pronouns corresponding to the individual's self-identified gender identity.
- (c) Where possible, the City will provide an all-gender, single stall washroom and change room facilities for use by any persons who desire increased privacy. Use of an all-gender, single stall washroom and change room facilities should be an option that people may choose but should not be imposed upon an individual because of the individual's transgender identity.

Background Information

In April 2016, a legal settlement was reached between the City and a transgender woman respecting a human rights application after the woman was denied entry into the women's washroom and offered the universal washroom at the MacNab Street Transit Terminal. The legal settlement included an agreement to codify specified City practices with regard to the protected grounds of gender identity and gender expression and the

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

rights of transgender and gender non-conforming persons, as the practices apply to both employees' internal conduct with each other and with the provision of customer service to the public. Protections for gender identity and gender expression have been recognized in Canadian Human Rights jurisprudence for more than two decades. In Ontario, the Ontario Human Rights Commission has had policy on these grounds since March 2000, and the protections were explicitly codified in the Ontario *Human Rights Code* in June, 2012.

Training

In order to provide employees with a robust understanding of both legal responsibilities and organizational expectations with respect to the implementation of the Protocol, a new training program was required. The training would need to address all aspects of the Protocol including:

- a) Rights and Responsibilities
- b) Customer Service Guidelines
- c) Employee Guidelines

These guidelines encompass privacy and confidentiality; identification, language and administrative systems; data collection and storage; dress codes; washrooms and change facilities; and support for employees.

The City of Hamilton Human Rights, Diversity and Inclusion Office, in collaboration with Egale Canada Human Rights Trust, an organization with expertise in the Ontario Human Rights Code, gender identity and gender expression issues, and transgender rights, developed a training module to be delivered to all City of Hamilton employees. 'Train the Trainer' sessions were held for sixteen Human Resources staff in February, 2018. The training was then reviewed by the City of Hamilton's LGBTQ Advisory Committee on April 19, 2018 to obtain feedback and input on suggested enhancements to better reflect the lived experience of Hamiltonians. Additionally, a broader community consultation session was held on May 1, 2018. Both sessions were facilitated by Egale Canada and the City's Human Rights and Diversity staff.

Furthermore, as per the terms of the legal settlement, City staff also reviewed the proposed training program with the Applicant to provide her with an opportunity to provide feedback and input.

Implementation

The newly developed Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Protocol training will be delivered to the City's Senior Leadership Team on May 24, 2018, and to all Extended Management Team (EMT) members (approximately 700 employees) as the major component of the June 1, 2018 EMT meeting. City of Hamilton Human Rights, Diversity and Inclusion staff will begin delivering sessions to employees commencing in early June, 2018.

As outlined in the original submission to Council in March, 2017, various options and associated financial costs of the organizational rollout will be determined by staff and submitted to Council for future approval.

Given the efforts to-date, the City is in compliance with the requirements outlined in the Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Protocol Agreement.

Appendices and Schedules Attached

Appendix A to Report HUR17002(a) – Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons