

Gender Identity and Gender Expression

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

Gender Diversity.

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

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

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

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

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

People who identify their gender the same as their birth assigned sex are referred to as cisgender, cisman, ciswoman or cis.

Transgender or trans refers to people with diverse gender identities and expressions. This includes, but is not limited to: people who identify as transwoman (birth assigned male who identifies as a woman) or transman (birth assigned female who identifies as a man).

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

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

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

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

Everyone has a gender identity.



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DE L'ÎLE-DU-PRINCE-ÉDOUARD



Responsibilities of Employers, Service Providers and Landlords.

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

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

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

Everyone Should Know.

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

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

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

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

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

Examples of Accommodation.

Adding partitions or individual stalls in male and female locker rooms.

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

Examples of Discrimination Based on Gender Identity and Gender Expression.

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

Ally is experiencing discrimination on the basis of gender identity.

Patrick, a transman, has been playing soccer on the men's team for the past three years. This year Patrick was told by the coach that he could no longer play on the men's team and would have to play on the women's team if he wanted to play soccer.

Patrick is experiencing discrimination on the basis of gender identity.

Confidentiality of Information.

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

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

Human Rights: Everyone's Responsibility

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

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