

Trans Rights, Equality and CUPE

Trans rights are human rights. CUPE continues to fight for the rights of all of our members in the union, the community, with the employer and internationally.

Transgender and Transsexual persons are some to the most marginalized workers and union members. The Ontario Human Rights Commission Policy on Harassment and Discrimination because of Gender Identity states, “There are, arguably, few groups in our society today who are as disadvantaged and disenfranchised as transgenderists and transsexuals. Fear and hatred of transgenderists and transsexuals combined with hostility toward their very existence are fundamental human rights issues”.

This fact sheet provides some basic information on trans issues and how locals can support and defend the rights for transgender and transsexual members.

What does “Trans” mean and what is transphobia?

Trans is often used as short form of transgender and/or transsexual and/or intersex.

- Transgender – describes individuals who are not comfortable with, or who reject, in whole or in part, the gender they were assigned at birth. A transgender person may be gay, lesbian, bisexual or heterosexual; there is no direct connection between gender identity and sexual orientation.
- Transsexual – someone who has a strong and persistent feeling that they are living as the wrong sex. A male transsexual has a need to live as a woman and a female transsexual has a need to live as a man. Some, but not all, transsexuals chose to have sex reassignment surgery; some use hormone therapy. Non-operative Transsexuals are persons who for economic, medical or other reasons do not have surgery.
- Intersex – someone born with full or partial sexual organs of both genders or with under-developed or ambiguous sex organs. About four percent of all births are intersexed to some degree.
- Cross-dresser/transvestite – someone who dresses in clothing and behaves and/or lives otherwise as the opposite gender, either part-time or full-time.

Transphobia is the unrealistic or irrational fear and hatred of cross-dressers, and transsexuals. Like all prejudices, it is based on negative stereotypes and misconceptions that are then used to justify and support hatred, discrimination, harassment, and violence toward people who are transgender.

Key Equality and Right Issues

Trans workers experience daily acts of discrimination at work:

- Employment security. Trans people are routinely terminated from employment after coming out or beginning transition, or they are harassed until they leave their jobs, even in unionized environments by co-workers and management sometimes by the union itself. Employers often refuse to hire, train or promote trans workers.
- Harassment. The very womanhood or manhood of transsexual people is denied and denigrated by many co-workers, employers or the union. Refusal to refer to trans people by the name and in the gender of their choice, verbal and physical harassment, and violent assault are the kinds of discrimination encountered by trans people.
- Washroom and other space issues. Washroom access issues can also be particularly acute for transsexuals in transition and for people of ambiguous gender. Gender appropriate changing facilities becomes an issue, as do the questions of appropriate uniforms and dress code.
- Access to funded health care. There is a crisis of access to properly trained and competent health professionals, a crisis of access to coverage and resistance to coverage for transition related care under health insurance plans in our collective agreements. So too is there lack of access to sick leave or other leaves related to transition and the continuing health care needs of trans members.

Trans people experience daily acts of discrimination in society

In addition to the daily discrimination trans people experience at work there are other key issues to address for trans people including:

- Identity document issues. There is a genital status requirement in most Canadian jurisdictions regarding identifying documents. Given the cost, possible ineligibility for surgery and the preference of some not to have surgery this genital bias can pose an enormous health, safety, security and dignity issues for trans people.
- Clear legislative protections. Trans rights are human rights. Most Canadian jurisdictions do not specifically protect trans people from discrimination and harassment and from hate crimes and hate speech. The Criminal Code prohibits hate crimes and speech on the grounds of sexual orientation but not that of gender identity or gender expression.
- Decriminalization of sex-work. Some trans people are involved in sex work, which can be very dangerous. This work should be de-criminalized to help stop the violence against and marginalization of these workers.

The Role of the Union

CUPE is proud of our record of integrating human rights and workers rights together. We also know that discrimination is a tool of the employer; used to separate workers from each other and weaken our solidarity.

Advancing the rights of trans people in the workplace

- Negotiate clear protections from discrimination and harassment such as, add gender identity to the discrimination clause.
- Negotiate appropriate medical benefits and leave coverage to assist transitioning workers.
- Include trans workers in the duty to accommodate provisions such as, access to washrooms, dress code, etc.
- Negotiate paid time off for discrimination education sessions for all employees.
- Ensure that all information collected on employees is held in confidence.

Advancing the rights of trans people in our communities

- Lobby for the inclusion of gender identity in human rights laws, and join demonstrations in support of trans people.
- Support and work with community groups of transgender individuals who are leading the struggle for legal and political rights, such as, restoring public funding for sexual reassignment and related treatments, lobbying for the decriminalization of sex work.

Advancing the rights of trans members in the union

- Help trans workers when they need it: be proactive, take them seriously, fight their cases, stop harassment in the workplace
- Make trans people visible in union communications, messaging, campaigns, public and union education. Denounce transphobia and transphobes; praise trans-positive actions by the employer and other institutions. Make trans equality an issue.
- Donate money, resources, space, training, press releases, etc to the trans community.

For more information contact pride@cupe.ca.