



# BARGAINING BEYOND THE BINARY

A NEGOTIATING  
GUIDE FOR TRANS  
INCLUSION AND  
GENDER DIVERSITY

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CUPE National Human Rights Branch  
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# INTRODUCTION

Trans and gender diverse people are part of our union. We all have a responsibility to ensure our collective agreements protect every worker's rights, and that all workers have the support they need. To do this, issues affecting trans and gender diverse workers must be brought to the bargaining table.

This guide is for all CUPE bargaining teams. It can help cis workers (workers who aren't trans) new to gender diversity better understand issues affecting trans and gender diverse people at work. For bargaining teams with trans and gender diverse members or who are very familiar with gender diversity, it offers ideas for translating trans advocacy to collective agreement language. For everyone, the sample clauses from CUPE locals that have already negotiated trans inclusive language offer useful templates for bargaining teams to develop their own proposals.

Much of the progress CUPE locals have achieved on gender diversity and trans inclusion is the result of the tireless activism of Two-Spirit, trans, non-binary and gender diverse members. CUPE local executives and bargaining teams don't have to wait, however, for a Two-Spirit, trans or non-binary worker to come out or be hired to bargain these issues. Even locals that don't have any trans members (that they know of) should ensure protections are in place now, so necessary supports are already there when gender diverse workers come out or enter the workplace.

## This guide covers:

- Gender diversity and the workplace.
- How the union can negotiate better working conditions for Two-Spirit, trans, non-binary and other gender diverse members.
- Sample collective agreement language.
- Resources on transitioning at work and other gender diversity workplace issues.

Locals and bargaining committees who are looking to learn more about trans inclusion and gender diversity should take CUPE's workshop on safer spaces for Two-Spirit, trans and non-binary members. The workshop is available as a union-only session or can be presented jointly to union members and management.

Additional resources on gender diversity can be found at [cupe.ca/gender-diversity](https://cupe.ca/gender-diversity).



## TERMINOLOGY

People use many terms to refer to their gender identity and expression. Some common terms relating to gender diversity are defined below.

Throughout this guide we use “trans and gender diverse” to refer to workers who might be affected by transphobia, transmisogyny, and other forms of discrimination because their gender expression or identity doesn’t fit society’s biased assumptions and expectations about gender. This includes but is not limited to workers who are Two-Spirit, non-binary, trans and/or genderqueer.

### 2SLGBTQI+

An acronym referring to the Two-Spirit, lesbian, gay, bisexual, transgender, queer and intersex community. The + is an inclusive and intentional way of representing the various identities and experiences of the sexually and gender diverse community, including for example asexual people and non-binary people. While the acronym used to begin with LGBT, more recently many are putting the 2S at the start to acknowledge that Two-Spirit people were the first sexual and gender minority people in North America.

### Cisgender (cis)

A person whose gender identity aligns with the sex they were assigned at birth. For example, someone who was assigned female at birth (it’s a girl!) and identifies as a woman.

### Cisnormativity

The prevalent idea that people’s gender expressions should “match” the sex they were assigned at birth. It manifests through assuming that everyone fits neatly into the categories of man and woman and that people assigned male or female will look and behave in certain ways.

### Deadnaming

When someone, intentionally or not, refers to a trans person by the name they used before they came out or transitioned. You may also hear it described as referring to someone by their “birth name” or their “given name.”

### Gender diversity

The wide range of gender identities and gender expressions.

### Gender expression

The way we present our gender to others through our clothing, speech, mannerisms and other actions. A person’s gender expression may be feminine, masculine or androgynous, among many other possibilities. Not every Two-Spirit, trans, or non-binary person feels safe to express their true gender. Many people who are not trans might still have gender expressions that do not stereotypically correspond to their gender identity (for example, a butch woman).



## Gender identity

One's internal sense of their own gender. Examples of gender identities include, but are not limited to, man, woman, Two-Spirit, non-binary, gender fluid and genderqueer.

## Non-binary

A person whose gender identity does not fall within the binary of "man" or "woman."

## Trans or transgender

An umbrella term referring to a person whose gender identity differs from the sex they were assigned at birth. For example, someone who was assigned male at birth ("it's a boy!") who identifies as a woman, or someone who was assigned female at birth ("it's a girl!") and identifies as non-binary.

## Transition

Social and/or medical changes that some trans people pursue to affirm their gender identity. Some people change their name, pronouns, or appearance. Some opt for medically supportive treatments such as hormone therapy or gender affirmation surgeries. Each person has a different process; there is no "one way" to transition, and no universal goal or endpoint.

## Transphobia

The aversion to, fear, hatred, or intolerance of trans people. Like other prejudices, it is based on stereotypes and misconceptions and is expressed along a continuum of behaviour, from deadnaming and repeated misgendering to shunning, aggression, and murder.

## Two-Spirit

An umbrella term that originated in the prairies and that is used by some North American Indigenous people to refer to a sense of having both masculine and feminine spirits, or to people who perform traditional ceremonial roles of both men and women. Not all Indigenous people who are lesbian, gay, bisexual, queer, trans, non-binary or intersex identify as Two-Spirit, but only Indigenous people can be Two-Spirit. Some Indigenous people who identify as lesbian, gay, bisexual, queer, trans etc. might refer to themselves as "Indigiqueer" instead of, or in addition to, Two-Spirit.

For more on inclusive terminology, see the Canadian Labour Congress' *Workers in Transition Guide*, The 519's *Creating Authentic Spaces Toolkit*, and the Government of Canada Translation Bureau's *Gender and Sexual Diversity Glossary*.



## BARGAINING CONCERNS OF TRANS AND GENDER DIVERSE WORKERS

Trans and gender diverse workers are concerned about many of the same issues as cis workers, such as wages, benefits and health and safety. However, trans and gender diverse workers may face unique barriers to accessing health care, parental benefits and other rights bargained into collective agreements, and are more likely to experience exclusion, discrimination, harassment, and violence in the workplace. Trans workers are more likely than cis workers to be refused employment or promotions, stuck in precarious jobs, paid less, and forced out of a job. Because of this, there are particular benefits, leaves, and health and safety issues that are especially important to many trans and gender diverse workers.

Bargaining priorities that can help address the specific concerns of trans and gender diverse workers include:

- benefits coverage for gender affirming care;
- effective anti-harassment policies;
- access to safe washrooms and change rooms; and
- paid leave for accessing gender affirming care.

Employers often fail to provide a safe environment by:

- ignoring gender-based harassment and transphobia;
- violating confidentiality;
- not using workers' correct names or pronouns;
- refusing to include certain gender affirming medical procedures or devices in health benefits;
- maintaining gendered dress codes or refusing choice in uniforms; and
- not providing safe washrooms and change rooms.

Outside of the workplace, trans and gender diverse workers may face stigmatization, denial of services, unsafe services, isolation, harassment, violence and discrimination. Trans and gender diverse workers who are women, Indigenous, Black, and/or living with disabilities face additional layers of discrimination, harassment and violence.

Unions can play an important role in supporting members, challenging transphobia and ensuring employers provide work environments free of discrimination and harassment. Collective bargaining is one key way CUPE locals can accomplish this.

## THE LEGAL CONTEXT FOR GENDER DIVERSITY PROTECTIONS

In Canada, discrimination and harassment on the basis of gender identity and/or gender expression are against the law. Many collective agreements also include “no discrimination” clauses that explicitly include gender identity and gender expression.

The *Canadian Human Rights Act* and provincial human rights legislation also prohibit discrimination on the basis of gender identity or gender expression.

By law, employers must provide a work environment that is free from harassment and violence. Workers who are targeted for their gender identity and/or gender expression are covered by those laws, which include occupational health and safety, employment standards, workers compensation, labour relations and criminal law. See CUPE’s *Stop Harassment: A guide for CUPE locals* and our *Violence Prevention Kit* for more information.

Laws and rules on discrimination, harassment and violence differ by jurisdiction and change over time. Talk to your servicing representative for current information.







# ADDRESSING GENDER DIVERSITY IN BARGAINING

## HARASSMENT AND DISCRIMINATION

Many collective agreements include gender identity and gender expression in prohibited grounds of discrimination and harassment.

### Sample language:

*CUPE 1281-15 and Mayworks Festival of Working People and the Arts  
October 1, 2018 - September 1, 2021*

#### **Article 5 – No Harassment**

5.05

Gender/Transgender Harassment shall be defined as offensive comments and/or actions, and/or exclusion from that to which a person(s) would otherwise have a right or privilege, which demean and belittle an individual(s) and/or cause personal humiliation, on the basis of sexual orientation or gender. Gender/Transgender Harassment also includes discrimination, alienation, intimidation, and silencing or the differential treatment of a person as a result of their gender identity.

*CUPE 2626 and the University of Ottawa  
September 1, 2019 - August 31, 2022*

#### **Article 10 – No Discrimination**

10.1

- e) gender identity, gender expression, and gender presentation

10.5

With respect to the interpretation of Article 10.1 and certain words used in the article, the Parties agree as follows:

- a) “Sex/Gender/Gender Identity” includes but is not limited to the right to equal treatment without discrimination, intimidation, interference, restriction or coercion because an Employee (i) is pregnant or may become pregnant, (ii) is breastfeeding or (iii) is not cisgender (including but not limited to: transgender, non-binary, genderqueer, gender-fluid, agender, intersex, Two-Spirit, etc.) where cisgender refers to a person whose assigned sex at birth matches with their gender identity.

CUPE 3902, Unit 1 and the University of Toronto  
January 1, 2018 - December 31, 2020

#### Article 4.01 No Discrimination

(a) The Employer and the Union agree that there shall be no discrimination, interference, restriction, coercion, or harassment exercised or practised in any matter concerning the application of the provisions of this Agreement by reason of age, race, creed, colour, national origin, language of origin, ethnic origin, ancestry, citizenship, religious or political affiliation or belief, sex, gender, marital or parental status, number of dependants, **sexual orientation, identity or expression, gender identity and expression**, personal appearance, mode of dress, place of residence, academic school of thought, record of offences unless the employee's record of offences is a reasonable and bona fide qualification because of the nature of employment, disability (including AIDS/HIV status), **physical attributes** nor by reason of the employee's non-membership, membership or activity in the Union.

*(Emphasis added)*

(c) The Employer and the Union recognize that an individual has the right to determine their own gender identity. This includes the right to determine their own pronouns.





## GENDER INCLUSIVE LANGUAGE

Many collective agreements refer to “gender neutral” or “gender inclusive” language. A smaller number state explicitly that “gender” refers to all genders, not only the binary of male/female and man/woman.

Starting in the 1970s, CUPE negotiated “gender neutral” language to address the discriminatory practice where all workers were referred to using masculine pronouns (he/him/his). Some agreements continue to refer to the gender binary (he/she), but truly gender inclusive language uses a gender inclusive pronoun (they) or term (for example, employee).

### Sample language:

*CUPE 2348-50 and United Way Winnipeg  
June 1, 2019 - May 31, 2022*

#### **Article 2.04**

Whenever the gender-neutral (they/them) appears in this agreement it shall also mean all genders.

*CUPE 2626 and the University of Ottawa  
September 1, 2019 - August 31, 2022*

#### **Article 1.1**

In this Agreement, the pronouns “they/them/theirs” are used to denote gender neutral persons both singular and plural.

Employer databases and correspondence should also be gender inclusive. Many employer systems only include two categories for workers to identify (male/female) and/or only two sets of honorifics in correspondence: Ms/Mrs or Mr.

CUPE 4600 negotiated with the employer to begin changing those systems in its most recent collective agreement:

*CUPE 4600 (Unit 2) and Carleton University  
September 1, 2019 - August 31, 2022*

#### **Memorandum of Agreement**

RE: Right to Determining Gender Pronouns

The University will make best efforts to update relevant systems to be able to reflect employees’ pronouns and pronoun changes within the term of this Agreement.

## INCLUSIVE DESCRIPTIONS OF PARENT, FAMILY AND OTHER GROUPS

References to gender elsewhere in your local's collective agreement should also remove gender binary language. For example, bereavement leave should refer to "spouse" and "partner" instead of "husband/wife," and "sibling" instead of "sister/brother." When referring to parental leave, parents should be referred to in gender inclusive ways. For example, use "birthing parent" or "pregnant employee" instead of "mother."

### Sample language:

*CUPE 3902, Unit 1 at the University of Toronto  
January 1, 2018 - December 31, 2020*

#### **20:07 Non-Birth Parent Leave**

Upon the birth or adoption of a child, a non-birth parent shall be entitled to up to one (1) week without loss of pay within six (6) weeks of the birth of the employee's child, or the coming of the child into the care, custody and control of a parent for the first time. Such requests shall be made as far in advance as possible. For clarity, this provision is available to any non-birth parent.

#### **20:08 Bereavement Leave**

The University will grant up to three (3) consecutive days leave from scheduled contact hours per session without loss of pay in the event of the death of an employee's spouse, partner, child, grandchild, parent, sibling, or grandparent, or for the death of a person whose relationship is not defined above, the impact of which is comparable to that of the immediate family (e.g. a close friend). For clarity, the foregoing is inclusive of step and in-law relations and relations regardless of gender.





## INCLUSIVE HEALTH BENEFITS

Not all trans and gender diverse people will seek medical interventions to better express their genders. For those who do, however, gender affirming procedures and devices are medically necessary and often life-saving. They can include surgeries, hormone replacement therapy, prosthetic devices, electrolysis (hair removal) and other care. Extended health benefits should cover drugs, devices and procedures not covered by provincial or territorial health plans. In exceptional circumstances where some items or procedures aren't available in an extended health plan, employers have provided "health spending accounts" to cover these costs. (Another option is negotiating a fund to help with the costs of transitioning. See sample language on this in the next section).

### Sample language:

*CUPE 5269 and Children's Aid Society of Algoma  
April 1, 2021 - March 31, 2024*

#### **Appendix A:**

##### HEALTH SPENDING ACCOUNT

You can use your Health Spending Account to cover expenses that are eligible medical and dental expenses under the Income Tax Act (Canada) and that are not paid (or not paid in full) by any other private or government plan. These include eligible expenses incurred outside your province of residence.

ELIGIBLE EXPENSES INCLUDE (BUT ARE NOT LIMITED TO)  
THE ITEMS LISTED BELOW:

#### **Devices, supplies and equipment:**

- Artificial Eyes
- Artificial Limbs
- ...
- Breast prosthesis

- **Wigs**

Other:

- Ambulance fees for transportation
- Laboratory, radiological or other diagnostic procedures or services
- ...
- **Electrolysis or hair removal performed by a licensed technician**

...  
*(Incomplete list. Emphasis added to highlight relevant items.)*

## GENDER AFFIRMING LEAVE

Because there are few clinics and physicians who perform gender affirming surgeries in Canada, many people who require surgeries have to travel for the procedures (especially if they live outside of Montreal, Toronto or Vancouver). Even those who don't need to travel often need significant recovery time, depending on the procedure.

Some workers therefore might need leave to access gender affirming surgeries. Others might need leave to receive psychological care or to take time before they are comfortable coming out at work.

### Sample language:

*CUPE 3902, Unit 1 at the University of Toronto  
January 1, 2018 - December 31, 2020*

#### **Article 20.11 Sick Leave**

Serious Illness, Surgery and Hospitalization

- (d) An employee who provides a certificate from a licensed physician confirming that the employee is unable to attend work and/or perform the employee's duties due to a serious illness, required surgery and/or hospitalization, and/or course of treatment may be granted up to four (4) months of paid leave at the employee's regular rate of pay during the period of the employee's appointment. For clarity, this includes leaves pertaining to gender reassignment.

**Note:** CUPE 3902 won "gender reassignment surgery leave" in 2012. In 2015, this language was changed to include gender reassignment leave as part of the general sick leave in Article 20.11. The local did not want to identify trans leave as something separate or different from other health issues. In addition, the leave was not limited solely to "surgery" but included "course of treatment," and the paid leave increased from two to four months. It was part of a series of changes to language in this collective agreement on gender identity and expression, as noted elsewhere in this guide.





*Local 3903 Unit 2 and York University  
September 1, 2017 - August 31, 2020*

17.22

Transgender Transition Leave

An employee who provides a certificate from a medical practitioner confirming that the employee requires a leave of absence in order to undergo the medical procedure(s) related to a physical change from one gender to another will suffer no reduction in pay for up to eight-thirty-fifths of the period of her Appointment Contract(s).

15.23

Trans Fund

Effective September 1, 2011 the \$10,000 allocated to this Fund will be increased to \$20,000. Effective September 1, 2014 \$30,000 will be allocated to this Fund. Allocations from the Fund will be made by the Union.

Effective September 1, 2018, \$40,000 will be allocated to this Fund annually. Allocations from the Fund will be made by the Union based upon pre-established and posted guidelines.

An annual report on the disbursement of monies shall be submitted in writing to the Labour/Management Committee.

*CUPE 1936-29 and QMUNITY  
January 1, 2020 - March 31, 2023*

**Article 20 – Special and Other Leave**

20.9

Trans-affirming Care

An employee who requires a leave of absence in order to access physical or psychological trans-affirming care (including medical or non-medical procedure(s)) shall be granted a leave with pay for up to fifteen (15) days per calendar year. Such leave shall be taken, where applicable, prior to accessing sick leave.



*CUPE 4948 and Toronto Public Library  
January 1, 2020 - December 31, 2024*

**Article 25.21 Trans-Affirming Care Leave**

- a. An employee may request a leave of absence under this article in order for the employee to access physical or psychological trans-affirming care (including medical or non-medical procedure(s)). Full-time employees shall receive up to seventy (70) hours of paid time at the employee's regular rate annually under this article, and Part-time employees and Page employees shall receive up to forty-nine (49) hours of paid time at the employee's regular rate annually under this article. The Board reserves the right to request medical or other documentation to support the request for leave under this article.
- b. This paid leave can be taken as part days, full days, or periods of more than one (1) day. If an employee takes a part day leave, it will not be counted as a full day.
- c. The Board shall endeavor to protect the privacy and confidentiality of employees accessing trans-affirming care leave, including prohibiting anyone from sharing information about an employee's identity, orientation, or expression without the express permission of the individual.
- d. Employees on such leave shall be reinstated to their former position upon return from leave, or an equivalent alternate position.
- e. During the period of trans-affirming care leave, the Board shall pay the employer share of OMERS contributions unless the employee gives written notice before the leave begins of their choice not to pay their share. If the employee elects, before the leave begins, not to pay the member share of contributions, then the Board is not required to pay.
- f. During the period of trans-affirming care leave, the employee shall suffer no loss of benefits and shall continue to accrue seniority, vacation, and sick credits.
- g. When the leave entitlements under Article 25.21(b) have been exhausted, an employee may use other entitlements in accordance with the collective agreement.





## GENDER INCLUSIVE FACILITIES

Often trans and gender diverse workers are subjected to isolation or discrimination when accessing gendered washrooms or change rooms. Sometimes they might be refused access to the washroom or change room that corresponds with their gender. The right to access safe facilities can be enshrined in the collective agreement.

### Sample language:

*CUPE 416 and the City of Toronto  
January 1, 2016 - December 31, 2019*

#### **Article 6 – No Discrimination or Harassment**

6.05

All work locations that are staffed shall contain washroom facilities available to employees. This does not preclude the use of gender neutral washrooms which are clearly signed and can be securely locked from the inside so as to afford the occupant privacy. Such locks shall also have the capacity to be unlocked from the outside for the sole purpose of access that would not infringe employee privacy or in the case of an emergency. Where the Union brings to management's attention specific concerns regarding washrooms or independent change rooms, the City shall take the appropriate measures to remedy the concern.

*CUPE 2626 and the University of Ottawa  
September 1, 2019 - August 31, 2022*

#### **Article 25 – Provisions for Employees with Disabilities**

25.4

The Employer has a multi-year accessibility plan under the AODA that includes wheelchair-accessible and gender neutral facilities (including but not limited to bathrooms and change rooms). The Employer will regularly update the online university map which details the location of these facilities and ensure that the map is accessible on their website.

# UNIFORMS AND GROOMING

Uniforms and rules about clothing, hair and other aspects of appearance often reinforce the gender binary. Rules that require employees to wear uniforms that correspond with a specific gender or the sex they were assigned at birth should be removed.

CUPE 4098, representing workers at Air Canada Rouge, recently used a human rights complaint to force the employer to change clothing and grooming rules that restricted and even injured members. As one example, the requirements included specific shoes for women flight attendants that injured their feet. In addition to footwear options, members won an end to sexist makeup rules. On the surface, the union was challenging sexism and not the assumptions and biases of cisnormativity, (the fact that uniform and cosmetics rules were built on the notion that women had to look a certain way). In effect though, removing gendered elements of the clothing and grooming policy was a win on gender expression as well as sex discrimination.

CUPE 4029, representing flight attendants at Calm Air, also recently had the uniform policy changed to be gender neutral. The uniform clause now reads:

*CUPE 4029 and Calm Air International LP  
May 1, 2018 - April 30, 2022*

## 5.06 UNIFORMS

### (a) INITIAL UNIFORM ENTITLEMENT

(i) New Hire Flight Attendants will be provided with an initial uniform entitlement as follows:

| ARTICLE                               | NUMBER                              |
|---------------------------------------|-------------------------------------|
| Shirts                                | 5                                   |
| Shell                                 | 1                                   |
| Cardigan                              | 1                                   |
| Blazer                                | 1                                   |
| Dress or additional Blazer            | 1                                   |
| Serving Vest                          | 1                                   |
| Belt                                  | 1                                   |
| Pants                                 | 2 (1 skirt and 1 pant upon request) |
| Uniform Scarf or Tie                  | 2                                   |
| Winter Scarf                          | 1                                   |
| Jacket (Seasonal: Spring/Fall & Rain) | 1                                   |
| Satchel                               | 1                                   |
| Roller Bag                            | 1                                   |
| Tie Pin                               | Upon request                        |
| Winter Parka                          | 1                                   |

Language emphasizing that the worker gets to choose which uniform elements are best for them is important.

**Sample language:**

*CUPE 1001 and the University of Windsor  
August 1, 2016 - July 21, 2022*

**Article 23 – Clothing**

23:01 (a)

4. All Service Staff (General Cafeteria): The Employer will supply three uniforms annually of the Employer's choice of colour and style to correspond with the decor of the outlet the Employee is working in. The Uniform will consist of three tops, three pants or skirts (employee's choice), three aprons and one hat.





## EMPLOYMENT EQUITY

Employment equity refers to proactive measures to increase the representation of workers from communities who have been historically underrepresented in the workplace. Trans workers face more employment discrimination than cis workers. They are likely underrepresented in most workplaces. Trans and gender diverse workers should be included in employment equity efforts.

### Sample language:

*CUPE 1281-18 and OPIRG (Ontario Public Interest Research Group)  
March 1, 2014 - February 28, 2018*

#### **Article 13 – Hiring, Promotions and Staff Changes**

##### 13.2.3

All hiring notices will include the following:

OPIRG welcomes the contributions that individuals from marginalized communities bring to our organization, and invites aboriginal people, people of colour, poor and working-class people and those on social assistance, women, gays, lesbians, bisexuals, queer-oriented people; transgender, transsexual, intersex and two-spirit people; single parents, members of ethnic minorities, immigrants, people from non-academic backgrounds and people with disabilities to apply. We encourage applicants to describe the contributions and experiences they would bring to the OPIRG organization in their cover letter. All applicants are asked for a brief statement on their views of power and oppression.

*CUPE 2484-24 and Brookhaven Child Care Centre  
January 1, 2016 - December 31, 2018*

#### **Letter of Understanding #8 Employment Equity**

The Employer and the Union agree to co-operate in developing, implementing and monitoring an Employment Equity Program covering employees of the Centre. All components of the program will be jointly developed between the Employer and the Union.

The intent of the program is to identify and implement plans to remove any barriers that may exist, and to develop a plan to correct any barriers that create disadvantages for persons from the groups set out below in accessing employment or any rights under the Collective Agreement. This will include the identification of unintentional systemic barriers.

The designated groups include: Aboriginal/Indigenous people, Racialized people, LGBTQ and Transgender persons, Persons with disabilities and Women.



*CUPE 3913 (Unit 2) and the University of Guelph  
September 1, 2016 - August 31, 2019*

### **Article 11 Postings and Appointments**

#### 11.04 Selection Process

- (c) A Selection Committee must be established for all work assignment competitions. The Selection Committee, when established, must be composed of, at minimum, three people with knowledge, experience, and expertise, of which at least one shall be a designated group member (i.e., member of an equity-seeking group, which may include women, racialized people, members of the lesbian, gay, bisexual, transgender, or queer communities, aboriginal people, or persons with disabilities).

In a recent trend, some post-secondary employers are expanding anti-discrimination employment measures to 2SLGBTQI+ workers. Thanks to activism by the Canadian Association of University Teachers, post-secondary institutions are now required to include 2SLGBTQI+ workers in their Equity, Diversity and Inclusion Action plans in order to receive Canada Research Chair funding.<sup>1</sup>

## **OTHER SECTIONS OF THE COLLECTIVE AGREEMENT**

Employer obligations around privacy and confidentiality are critical when it comes to protecting and strengthening the rights of gender diverse workers. Trans workers might be required to provide the employer with confidential identity information such as their deadname for payroll or insurance purposes, for example. They are sometimes also required to disclose medical information in order to access benefits or leave.

Employers' duty to accommodate may be relevant given that trans and gender diverse workers might require access to special leave, medical benefits or facilities. This guide has focused on provisions that explicitly address gender diversity, but many other aspects of the collective agreement apply as well.

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<sup>1</sup> The Canadian Association of University Teachers won a human rights challenge in federal court in 2019. Among other changes, 2SLGBTQI+ communities must be included in post-secondary Equity, Diversity and Inclusion Action Plans. [https://www.chairs-chaire.gc.ca/program-programme/2019\\_open\\_letter-eng.aspx](https://www.chairs-chaire.gc.ca/program-programme/2019_open_letter-eng.aspx)

## WAYS TO SUPPORT TRANS AND GENDER DIVERSE WORKERS BEYOND BARGAINING

Ask CUPE's Union Education Branch to deliver the workshop on safer spaces for Two-Spirit, trans and non-binary workers with your local.

Add the CUPE Code of Conduct to your bylaws.

Create a 2SLGBTQI+ committee and make space for Two-Spirit, trans and non-binary leaders.

Challenge transphobia and take actions like the ones listed in CUPE's *Allies on Gender Diversity*.

Support local Two-Spirit, trans and non-binary activist groups. Join an action. Invite a speaker. Hire an artist. Sponsor an event.

Read these and other resources on trans workplace issues:

*Canadian Labour Congress (2020) Workers in Transition Guide.*  
[canadianlabour.ca/workers-in-transition-guide/](https://canadianlabour.ca/workers-in-transition-guide/)

*The 519 (2017) Creating Authentic Spaces Toolkit.*  
[the519.org/education-training/training-resources/our-resources/creating-authentic-spaces](https://the519.org/education-training/training-resources/our-resources/creating-authentic-spaces)

Don't wait for a Two-Spirit, trans or non-binary member to come forward. Take these steps to make your union and workplace safer now. Members of all genders will gain trust in the union and help build safer spaces.



## SOURCES

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