



FTR Now

Insights for Colleges on New Government Inclusivity Initiatives Targeting Gender Identification Information

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Recently, both the [Ontario and federal governments launched significant new initiatives](#) intended to promote inclusivity and ensure equitable treatment of trans and non-binary gendered persons, with a particular focus on gender identification information. Ontario has already implemented or announced changes to certain public-facing official documents, and public consultations will soon be underway to help the government develop an official policy on the use, collection, retention and display of gender identification information by its ministries.

In this *FTR Now*, we discuss these important initiatives and how they may impact Ontario Colleges.

The Ontario and the Federal Government Announcements

On June 29, 2016, the Ontario government announced [details about various gender inclusivity initiatives](#) currently underway. These include:

- Effective June 13, 2016, removal of gender identification information from the face of Ontario health cards
- Commencing in early 2017, offering a new, neutral “X” gender identification display option on Ontario Driver’s Licences for those individuals who do not identify as exclusively male (M) or female (F)
- Conducting public and stakeholder consultations this Summer to gather input for the development of a policy on how Ontario government ministries collect, use, retain and display sex and gender information on public-facing government forms (i.e. official documents) and products, with a view to [announcing a policy that applies to all ministries this Fall](#).

Shortly thereafter, the [federal government also announced that it is exploring the use of gender-neutral options](#) on federal identity documents (e.g. passports or Canada Revenue Agency documents), and is conducting a review of all the circumstances in which it requires or produces identity documents to ensure individuals whose gender identity does not match the binary standard are not excluded.

What Do These Initiatives Mean for Colleges?

The new gender identity initiatives outlined above signal an increased focus on gender identity issues – at both the provincial and federal levels – and are an important step towards greater inclusivity across jurisdictions. While it remains to be seen what further action either government may take to mandate reforms within the broader public or private sectors, Colleges may

wish to continue their efforts to proactively revisit current policies, procedures and practices to ensure that appropriate options are available for employees and students who do not self-identify their gender in a binary manner.

Develop a Policy – and Ensure Compliance

If you have not already done so, consider developing or revising policies, procedures and practices for your organization's collection, use, retention and display of employee and student sex and gender information on public-facing documents, employment and student records and other communications. Be sure that the scope of your policy applies across all formats, including to electronic and mobile materials.

The policy development process may include outreach to stakeholders within your community and organization, including student organizations, campus support organizations, faculty, students and members of the public.

If policies are already in place, ensure a periodic compliance review and/or complaint process is in place.

Review Your Organization's Human Resources Materials

Consider providing gender-neutral identifier options such as "X" where possible, and eliminating gender identification information where it is unnecessary. Examples of human resources materials that may be affected include:

- employment application forms, template PDFs and administrative systems
- electronic databases and IT systems
- benefits enrolment forms and handbooks
- salutation preferences for communications (e.g. Mr./Ms/Mrs.)
- references to "he/him" or "she/her" in employee handbooks, training materials and communications

Review Student Documents, Communications and Publications

In addition to the employment-related documents and forms highlighted above, Colleges publish and retain a wide range of student documents, records and forms that may also require review. For example:

- student application, recruitment, admissions and other enrolment forms, including with respect to housing and financial aid supports
- student ID cards (both images and naming conventions) and badges
- student files, grade records and official transcripts
- diplomas, degree and awards
- class lists and student directories (including email)
- student services forms and brochures
- alumni fundraising publications
- salutation preferences for communications (e.g. Mr./Ms/Mrs.)
- references to "he/him" or "she/her" in student handbooks, codes of conduct and communications

Concluding Remarks

With the Ontario government planning to announce a gender identification information policy for ministries later this year, the movement towards gender inclusivity in this area is well underway. Colleges are well advised to continue to examine their own practices and protocols on a proactive basis to ensure that gender identity issues are appropriately addressed.

We would be pleased to discuss your organization's policy and obligations with respect to the use, retention or display of sex



and gender information, employee training on “gender expression” and “gender identity” issues more generally, or provide advice on the implementation of other workplace gender inclusivity measures such as change room and restroom accommodations. Please contact [Njeri Damali Campbell](#) at 416.864.7018 or your regular [Hicks Morley lawyer](#).

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