

FTR Now

Insights for Hospitality and Gaming Organizations on New Government Inclusivity Initiatives Targeting Gender Identification Information

Date: July 20, 2016

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 hospitality and gaming industry employers, agencies and service providers.

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 Hospitality and Gaming Organizations?

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, certain pending measures with respect to Ontario Driver’s Licences may impact upon your organization’s current practices on the collection, use and retention of sex and gender information – for example, guest identity information records maintained at hotels, or identity verification procedures at casinos. Accordingly, your organization may wish to proactively revisit current gender inclusivity efforts more broadly, and consider implementing the measures outlined below to plan for other potential reforms.

Develop a Policy – and Ensure Compliance

Consider developing a policy for your organization's collection, use, retention and display of sex and gender information on public-facing documents, employment forms, public information 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 employees, associations, third party support organizations, customers and other members of the public.

If a policy is already in place, ensure a periodic compliance review or complaint process is in place.

Review Your Organization's Human Resources Materials

Consider providing gender-neutral identifier options such as "X" where possible, or 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 Documents, Communications and Publications

In addition to the more typical employment-related documents and forms highlighted above, your organization publishes an array of documents, electronic forms, communications and other resources that may also require review. For example:

- training procedures and protocols relating to customer identity verification
- customer information records and files (e.g. guests and patrons, VIPs)
- customer rewards and incentive programming
- marketing
- salutation preferences for communications (e.g. Mr./Ms/Mrs.) and references to "he/him" or "she/her"
- guest services resources and tools, in all formats

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. Prudent employers and service providers should take this early opportunity to examine their own practices and protocols to ensure that they adequately reflect key diversity principles.

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 [Donna D'Andrea](#) at 416.864.7275, [Craig Lawrence](#) at 416.864.7532 or your regular [Hicks Morley lawyer](#).

The articles in this client update provide general information and should not be relied on as legal advice or opinion. This publication is copyrighted by Hicks Morley Hamilton Stewart Storie LLP and may not be photocopied or reproduced in any



form, in whole or in part, without the express permission of Hicks Morley Hamilton Stewart Storie LLP. ©