

Labour and Employment Alert

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Gender Identity and Gender Expression Are Now Prohibited Grounds of Discrimination Under The *Alberta Human Rights Act*



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As of December 11, 2015, gender identity and gender expression are prohibited grounds of discrimination under the *Alberta Human Rights Act*. Under section 7 of the *Act* employers cannot refuse to employ or to continue to employ any person, or discriminate against any person with regard to employment or a term or condition of employment based on a prohibited ground, which now expressly includes gender identity and gender expression.

What do the terms gender identity and gender expression mean? The terms are not defined in the *Act*, but generally gender identity refers to a person's inner sense of being male or female while gender expression refers to the external expression of a person's gender, for example through dress, demeanour or behaviour.

Employers need to ensure that employees are not subjected to discrimination in the workplace on the basis of any prohibited ground, including gender identity and gender expression. In order to do so, employers should educate themselves about gender identity and gender expression and update or implement their policies and procedures accordingly. It is also a good idea to provide training to all employees on the difference between gender identity and gender expression and the policies and procedures in place to ensure all employees are able to work in a discrimination-free environment.

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