

DATE OF MEETING June 20, 2022

AUTHORED BY JOHN VAN HORNE, DIRECTOR OF HUMAN RESOURCES

**SUBJECT GENDER DIVERSITY AND INCLUSION RECOMMENDATIONS FROM THE ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS**

## **OVERVIEW**

### **Purpose of Report**

To provide staff input, in accordance with a motion of Council, on the recommendations of the Advisory Committee on Accessibility and Inclusiveness. |

### **Recommendation**

1. That gender and diversity and inclusivity training be offered to Council and staff.
2. That staff be directed to integrate gender inclusive and gender neutral language (where possible) in key communications and printed and electronic materials.
3. That staff be encouraged to use personal pronouns, where staff are comfortable making the individual choice to do so.

## **BACKGROUND**

At its 2021-MAY-26 meeting, the Advisory Committee on Accessibility and Inclusiveness (ACAI) voted unanimously to recommend to Council:

1. That Council and municipal staff adopt the use of pronouns in all written and electronic communications; (“Recommendation 1”)
2. That the City of Nanaimo use gender-inclusive and gender-neutral language, including communications, print and electronic materials; (“Recommendation 2”)
3. That the City of Nanaimo update and revise all print and electronic materials to include the use of gender-inclusive and gender-neutral language; (“Recommendation 3”) and
4. That the City of Nanaimo arrange for the availability of diversity and inclusion training for Council members and City Staff. This would include both LGBTQIA2+ and gender competency training, either online or in-person workshops, or both. (“Recommendation 4”)

At its 2021-JUN-07 meeting, Council referred the recommendations of the ACAI to staff for a report. |

## **DISCUSSION**

Staff have considered the recommendations and have the following input to provide.

**Recommendation 1 - That Council and municipal staff adopt the use of pronouns in all written and electronic communications**

Workplace initiatives generally gain support over time because people *choose* to affiliate themselves with these initiatives. No doubt they are aided significantly by supporters who champion the cause and raise awareness, but people are given the option whether to support these initiatives or not. Those who may not support an initiative may have a number of personal reasons for this, including just not wanting to publicly express their views one way or another.

Staff believe that a key to gaining support for any initiative is creating an environment where it is safe for people to support the initiative, recognizing that there may be a number of different viewpoints. This is usually an incremental process that builds on previous successes. The experience among employees at the City of Nanaimo has been that initiatives are supported by those who *choose* to support them, and neither they, nor those who choose *not* to support an initiative, face any consequence for their choice. Generally, the initiatives are employee-driven, or supported and encouraged by the Senior Leadership Team.

In mandating that employees abide by this particular initiative, we are depriving them of their freedom of choice. We are paying them for their work product and to represent the City in a number of different ways, but staff do not believe this extends so far as to require employees to express their own gender identity to each other or to the outside world. Forcing employees to comply with such a policy would be contrary to the idea of providing a supportive environment for employees to express their identity.

In implementing any workplace rule, there are a number of issues for an organization to consider. In a unionized workplace, unilateral workplace rules introduced by the employer have to meet a number of criteria, including one that policy must not be unreasonable. What is reasonable or not can be exceedingly difficult to define with any degree of certainty, so the City is left to decide whether a manager would actually discipline, or even terminate, an employee for not abiding by the rule. The use of pronouns in written and electronic communication is not directly related to any core function of any role at the City, which could place the City in a challenging position with respect to the reasonableness of the rule if discipline or termination related to the rule were to be challenged.

Employees may not want to identify in accordance with the policy, for a variety of reasons. If their gender identity did not accord with their gender assignment at birth, but they were not ready to express this to the outside world, they would be forced to do so or to lie. We could unwittingly be creating a very awkward and uncomfortable situation for the employee, and for a reason entirely unrelated to their core work duties.

As an alternative, taking steps to raise awareness of this issue, providing some resources for employees to learn more about it and encouraging (but not requiring) employees to implement the use of pronouns in their communications would begin to build that supportive environment. It would also help us avoid some of the more negative possible outcomes that could come from creating and enforcing a rule that the City might ultimately have to defend to an arbitrator or the Human Rights Tribunal.

### **Recommendation 2 - That the City of Nanaimo use gender-inclusive and gender-neutral language, including communications, print and electronic materials**

Much of the public-facing material the City produces already is created using gender-inclusive and gender-neutral terminology. This recommendation could be implemented without considerable difficulty, following implementation of Recommendation 4 as discussed below.

Employees would need to be properly trained in the appropriate terminology, or risk the potential frustration and embarrassment of “getting it wrong”, not to mention the added costs of having to complete the work a second time.

It would be impossible and inappropriate to monitor the large volume of internal communications (e.g., emails) that flow throughout the organization for adherence to a directive from Council in this regard. However, for community-facing communications, which tend to flow through a much-reduced number of employees, this would be much easier to achieve. Through repeated use and growing familiarity, on top of training and education, it would be expected that gender-inclusive and gender-neutral language would become the norm over time even without monitoring and enforcement.

**Recommendation 3 - That the City of Nanaimo update and revise all print and electronic materials to include the use of gender-inclusive and gender-neutral language**

Following any implementation of Recommendation 4 this could be implemented on a going-forward basis, as materials are refreshed (e.g., Recreation Program Guides) or negotiated (e.g., contracts and agreements). However, rescinding, revising and re-issuing all existing materials would carry a significant cost in terms of staff time and, in the case of print materials, environmental impact.

**Recommendation 4 - That the City of Nanaimo arrange for the availability of diversity and inclusion training for Council members and City Staff. This would include both LGBTQIA2+ and gender competency training, either online, in-person, or both.**

Diversity and inclusion training has occurred at the City prior to this recommendation, both at a department level and as an offering in the City’s annual training calendar. As with all important training initiatives the issue comes down to cost and the time available for professional development. However, more training offerings in this regard could be identified and made available, focussing initially on Council and those staff who have a direct interface with the public.

Previous training sessions in recreation centres have been very well received. This training has included mandatory training for all recreation staff (front desk staff, lifeguards, custodians, recreation coordinators and managers) who worked during the All Inclusive swim sessions, which was a partnership between the City, the Nanaimo Pride Society, the VIU Positive Space Alliance and others. There have also been training sessions at Summer Leader Training for day camp leaders, playground leaders and recreation coordinators. While these sessions have not gone into a great deal of depth on the issue of inclusiveness, they did provide an introduction to the topic of gender diversity and bring more awareness to it. Future training for staff and Council could be more tailored to each particular audience where we have different levels of understanding on gender diversity, in order to ensure the training enhances each trainee’s awareness and understanding.]

**FINANCIAL CONSIDERATIONS**

The recommendation to use gender-inclusive and gender-neutral language in print and electronic communications on a go-forward basis can be accomplished with little to no cost. If

materials were to be recalled, revised and re-issued, the costs would obviously be much more significant.

Developing and implementing training for Council and staff will have a cost that will vary depending on the amount of training provided and the number of staff who receive the training. The amount of training would likely vary depending on the individual's role in the organization.

## **OPTIONS**

### Option 1:

1. That gender and diversity and inclusivity training be offered to Council and staff.
2. That staff be directed to integrate gender inclusive and gender neutral language (where possible) in key communications and printed and electronic materials.
3. That staff be encouraged to use personal pronouns, where staff are comfortable making the individual choice to do so.
4.
  - The advantages of this option: Allows for a quick implementation and promotes awareness of this initiative within the organization, in a cost-effective way. Some areas of the organization (e.g., recreation) already have done a considerable amount in this area, and could help the rest of the organization catch up.
  - The disadvantages of this option: It may take a while for the changes to really be noticeable; this is particularly the case when recreation comprises such a significant portion of our communications, and has been implementing gender-inclusive and gender-neutral terminology for some time in many of its materials.
  - Financial Implications: The training costs for staff and Council will be the only measurable costs. Producing the communications materials may take a bit more time, allowing for errors and revisions as the appropriate terminology is adopted, but these too would diminish and disappear over time, through practice.

### Option 2:

That Council adopt the recommendations of the Advisory Committee on Accessibility and Inclusiveness.

- The advantages of this option: Fully supports the recommendations of the Advisory Committee on Accessibility and Inclusiveness.
- The disadvantages of this option: Does not take into account the concerns and challenges identified by staff, which as noted, may work against this worthy initiative.
- Financial Implications: The costs of recalling, revising and re-issuing communications materials would be significant, on top of the training costs identified in Option 1.

### Option 3:

That Council provide some other direction to staff. |

- The advantages of this option: Allows Council the opportunity to consider the information in front of it, and seek further clarification or direct staff to gather additional information on other possible alternatives.
- The disadvantages of this option: May lead to duplication of work, as both the Advisory Committee on Accessibility and Inclusiveness as well as staff have canvassed this issue already.
- Financial Implications: Could be determined after direction is provided.

### **SUMMARY POINTS**

- A key to gaining support for any initiative is creating an environment where it is safe for people to support the initiative, recognizing that there may be a number of different viewpoints.
- Adoption of gender-inclusive and gender-neutral terminology can be accomplished, once Council and staff receive training.

### **Submitted by:**

John Van Horne  
Director of Human Resources