

GUIDE TO PRONOUNS

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The B.C. *Human Rights Code* prohibits discrimination on the basis of sex and gender identity or expression. Discrimination happens when a person is treated badly or is denied a service or benefit because of their gender identity or expression. Misgendering someone by using an incorrect pronoun can be discrimination under the B.C. *Human Rights Code*.¹

According to the BC Human Rights Tribunal:²

- **Sex** includes being female, male, intersex, Two Spirit, or transgender.
- **Gender identity** is a person's sense of their gender, including man, woman, transgender or non-binary. For some people, gender identity is fixed. For others, it is fluid.
- **Gender expression** is about how a person presents their gender. It includes how a person acts and appears. It can include dress, hair, make-up, body language, and voice. How a person presents their gender may not reflect their gender identity.
- **Gender identity or expression** can also include a person's name and pronoun, such as he, she or they.

A recent decision from the BC Human Rights Tribunal confirmed that “pronouns are a fundamental part of a person's identity.”³ The Tribunal also stated the following with respect to pronouns:

Like a name, pronouns are a fundamental part of a person's identity. They are a primary way that people identify each other. Using correct pronouns communicates that we see and respect a ~~person's~~ ~~gender~~ ~~identity~~ and ~~exp~~ ~~ression~~ is a right recognized in law and protected by the B .C. Hu

People do not always use the pronoun that you may expect based on their name or appearance. It is important not to make assumptions about which pronouns people use. Misgendering someone

¹ *Nelson v. Goodberry Restaurant Group Ltd. Db a Buono Osteria and others*, 2021 BCHRT 137.

² <http://www.bchrt.bc.ca/human-rights-duties/characteristics.htm>

³ *Nelson v. Goodberry Restaurant Group Ltd. Db a Buono Osteria and others*, 2021 BCHRT 137 at para 82.

⁴ *Nelson, supra*, para 82

by using incorrect pronouns can be considered discrimination on the basis of sex and/or gender identity and expression and is in violation of the B.C. *Human Rights Code*.⁵

<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/human-rights/human-rights-protection/discrimination-gender-identity-expression.pdf>

<https://forge-forward.org/wp-content/uploads/2020/08/gender->