

Report on the Collection and Use of Gender and Sex Data
Department of Families
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Introduction

The Government of Canada and some provincial jurisdictions are modernizing practices related to gender and sex data given that sex and gender are separate personal characteristics. Collecting and using this information appropriately is also important in mitigating potential challenges faced by gender diverse individuals.

The purpose of this report is to describe current best practices related to the collection and use of gender and sex information. Information is drawn from Treasury Board of Canada Secretariat and Statistics Canada. This report also describes existing practices on the collection and use of gender and sex information across program areas in the Department of Families. While there are inconsistencies between best practices and the current state within the department, this report focuses on providing information and does not include analysis or options on next steps.

Federal policy guidelines

The Treasury Board of Canada Secretariat (TBCS) leads the Government of Canada on the development and implementation of a gender and sex data policy for all federal departments and agencies. TBCS has worked very closely with Statistics Canada and other stakeholders in the development of [Modernizing the Government of Canada's Sex and Gender Information Practices](#), published in September 2018.

In January 2018, Statistics Canada adopted standards on definitions and use of sex and gender information. The information below is derived from both TBCS and Statistics Canada, as appropriate.

Definitions, usage and classifications

The standard for using the variable "[gender of a person](#)" and "[sex of a person](#)" includes the following definitions, appropriate usage and classifications:

Sex refers to sex assigned at birth. Sex is typically assigned based on a person's reproductive system and other physical characteristics.

Gender refers to the gender that a person internally feels ('gender identity' along the gender spectrum) and/or the gender a person publicly expresses ('gender expression') in their daily life, including at work, while shopping or accessing other services, in their housing environment or in the broader community. A person's current gender may differ from the sex a person was assigned at birth (male or female) and may differ from what is indicated on their current legal documents. A person's gender may change over time.

Usage: Sex and gender refer to two different concepts. Female sex is not the same as female gender.

Gender is used by most social services programs. Sex is used where information on sex at birth is needed, for example for some demographic and health indicators.

Current classification of gender by the federal government

M - Male gender:

Current gender is reported as male, including cisgender and transgender persons who report as male.

F - Female gender:

Current gender is reported as female. This includes cisgender and transgender persons who report as female.

X – Another Gender:

The “X” identifier is a non-binary option that may be chosen by individuals who do not identify exclusively as male or female.

Note that the “X” identifier should **not** be provided as an option for people who do not wish to provide gender information.

For departments and agencies that need **more detailed** gender information, add “please specify your gender” and blank field.

Classification of sex

M – Male:

Persons who report as male sex at birth.

F - Female

Persons who report as female sex at birth.

I - Intersex

Statistics Canada recognizes the 'intersex' category. The intersex category **is an option** added to the male and female categories under sex. This category includes persons who were reported as being intersex at birth.

Highlights of Policy Recommendations from TBCS

TBCS's [Modernizing the Government of Canada's Sex and Gender Information Practices](#) includes 10 policy statements on the collection and use of gender and sex information. This is a national standard intended for the Government of Canada's departments and agencies, and is also being adopted by some provincial governments. TBCS recognizes that these policies should be implemented in ways that are incremental and practical, which could take years.

The TBCS report notes that for many individuals, the distinction between sex and gender is not important. They will check the "M" or the "F" on a form. However, the distinction between sex and gender is very important for those who have a gender identity that does not align with their sex at birth. People who have identity documents that do not correspond with their lived gender are more likely to face discrimination and violence.

Gender by Default

Sex refers to biological characteristics, whereas gender refers to a social and personal identity. Departments and agencies should collect or display **gender** information by default under a "sex" category, unless sex information is specifically needed.

If display of a sex identifier is necessary (for example, due to international standards or regulatory requirements), an exception should be made for transgender, non-binary and two-spirit individuals whose sex identifier does not align with their gender, so that their identity document is consistent with their gender. For example, a transgender woman could identify as "woman" on a driver's licence or other identification document, even if the requested information is for sex (not gender) due to international standards.

In Manitoba, Manitoba Public Insurance (MPI) allows individuals to [change their gender](#) by providing supporting documents including one of the following:

- An updated birth certificate
- A Change of Sex Designation Certificate from Vital Statistics
- A combination of the MPI [Gender Change Request Statutory Declaration](#) and a letter from a health care professional. The letter from the health care professional must indicate that the sex designation the client has requested is consistent with the gender with which they identify.

Note that gender options for driver's licences and birth certificates through Vital Statistics only include male and female.

Sex Information by Exception

Federal departments and agencies should only collect or display sex information by exception, when biological information is necessary to fulfill the specific needs of programs or services (for example, for health-related purposes or to record vital and demographic statistics). In those cases, departments and agencies are encouraged to ask either for “sex assigned at birth” or the sex-related characteristic that is relevant for the specific purpose (for example, the presence of certain anatomical characteristics or hormones). Departments and agencies may collect and use sex and gender information if they determine that their activity or program requires both.

Government of Manitoba: The Gender-Based Violence Committee of Cabinet (GBVCC) and the Manitoba Status of Women Secretariat (MSW)

The Gender-Based Violence Committee of Cabinet (GBVCC) was established in 2018 to ensure government resources are addressing gender-based violence in an effective and coordinated manner. The GBVCC recognizes the importance of collecting gender-specific data to assist in measuring outcomes and the implementation of evidence-based initiatives. This is consistent with global and national efforts to advance gender-based data collection and analysis.

The Manitoba Status of Women Secretariat (MSW) plays a secretariat role to the GBVCC and offers support and advice across departments related to gender-based analysis and gender and diversity analysis.

MSW supports the Government of Canada’s approach to collecting or displaying gender information by default, unless sex information is specifically needed.

Consistent definitions and usage of gender and sex data across the Manitoba government would be useful to compare data across the province and to compare with federal data. This will become increasingly important as departments work together to address gender-based violence in a coordinated manner, as so directed by the GBVCC.

When collecting any identity information, including gender, it is imperative that clients self-report their gender, rather than this being assumed and filled in by a staff person. It is important to ask, “how do you identify?”

Capturing gender information is important for program, policy and legislative development. Wherever possible, collecting and analyzing disaggregated data should be the standard throughout any program, policy or legislative development process (e.g. in research and development, evaluation, analysis).

Employment and Income Assistance

The Employment and Income Assistance (EIA) program collects “sex” information on EIA application forms. Options include male and female.

Sex or gender does not affect what benefits someone is eligible to receive. Basic needs and shelter needs are determined by category, age and household size. Other needs (e.g. special and health needs) are provided based on a case-by-case assessment.

If an adult with a dependent child who does not have an assessed disability enrolls on EIA, they would be placed in either the Mother’s Allowance or Father’s Allowance category. The rates for these categories are the same. EIA uses a “Single Parent” category” for reporting purposes.

There are no eligibility or benefit differences based on gender or sex categories. There could be differences in an individual’s actual needs based on sex and/or gender, but these specific needs are assessed on a case-by-case assessment.

Provincial Services – Manitoba Child Benefit, 55 PLUS Junior and non-EIA Rent Assist

The Provincial Services System (PSS) administers the Manitoba Child Benefit, 55 PLUS Junior and non-EIA Rent Assist and collects sex information. PSS does not require an adjudicator to enter sex information to proceed with administering the file. However, it does default to F (female) if nothing is entered. Sex data is not used to determine benefits for any of the programs. It is used for informational purposes only.

Early Learning and Child Care

The Early Learning and Child Care (ELCC) program gathers gender data through program processes and/or forms, as outlined below:

Child Care Online (CCO)

- Subsidy Application:
 - Applicant Gender - Options: Male/Female
 - Child Gender – Options: Male/Female

The collection of the gender data does not affect eligibility but is used for potential reporting and information to support ongoing development.

- Classification Application (Early Childhood Educator, Child Care Assistant, Upgrade, Re-Issue):
Applicant Gender – Options: Male/Female

The collection of the gender data does not affect eligibility for certification but is used for potential reporting and information to support workforce strategies to increase the number of men choosing potential careers in Early Childhood Education.

- Record of Child Care Employee (RCCE) RCCE/ Record of Child Care Resident (RCCR):
Employee Gender – Options: Male/Female

The collection of the gender data is used for potential reporting and information to support workforce strategies to increase the number of males actively working in child care facilities.

Online Child Care Registry (OCCR)

- Online application:
Child Gender – Options: Male/Female/Unknown

The collection of the gender data does not impact eligibility for enrollment into a child care facility but may be used by individual child care facilities to determine the appropriateness of a child care space. This may be outlined in individual centres policies that are established and maintained by their boards of directors. Information is used by the program for potential reporting and information to support determining child care needs across the province and ongoing development.

Child and Family Services

Child and Family Services (CFS) tracks gender through its primary information system, which includes the Intake Module and the Child and Family Services Information System (CFSIS). Agency caseworkers designate gender when entering the child or youth into the information system. This information can be added at a later date or changed at the youth's request. Gender categories are Male/Female/Unidentified or Unknown. The unidentified/unknown category is one category used for youth who do not identify as male or female.

Additional CFS systems such as the child maintenance billing system and the STEP systems for Emergency Placement Resources also track gender. Gender category options are male or female for these systems.

Gender information is primarily collected for placement purposes as certain foster homes and group care facilities only allow certain genders. There are ad hoc requests

for demographic information (such as gender) for programs related to sexually exploited youth and/or high-risk victims.

Community Living Disability Services

CLDS recently removed gender from its application form. This was done to streamline the application as it was deemed not needed at the point of application. Other elements were removed or changed during the same review.

CLDS now largely gathers gender information from the referral source. Clients may have been involved in Children's disABILITY Services, so gender would already be in inFACT. Other referral sources include CFS agencies or schools. If the gender was not clear from supporting documentation (an assessment may indicate "he" or "she", for example), a caseworker would likely contact the referral source/worker to clarify. Note that gender information from referral sources could be from when the child was very young. This information is likely to be aligned with sex at birth rather than current gender.

CLDS could potentially use gender for the purpose of determining where participants live. Section 6(b) of the Residential Care Facilities Licensing regulation notes that letters of approval issued under the regulation shall include the sex of the persons being accommodated therein. That is, some group homes may be limited to one gender while others may house people of different genders. Knowing a person's gender would be required to place a participant in a group home licensed only for males or females.

Children's Disability Services

The applicant's gender is one of the questions included for Children's Disability Services (CDS) Referral and Intake Application. Options given are male and female.

There are a few circumstances where CDS would use gender information in service delivery including for respite, after school care, or summer skills maintenance service, especially as children enter the teenage years. Depending on the respite focus, matching gender may be required to ensure everyone is safe and appropriate. CDS would also match gender for respite requests based on parental requests.

The CDS application form is generally used in paper format. Applicants/families complete and submit it together with the signed Consent/Release of Information form. Consistent with the online inFACT screen, it uses the word "Gender" and provides the two options – Female and Male.

Manitoba Housing

Under the Social Housing Rental Program (SHRP), Manitoba Housing collects gender information to determine how many bedrooms a family needs. Gender categories are male and female and are required for each person expected to live in the home. Bedroom allocation uses the National Occupancy Standards as a guide for allocation. The standards are specific with respect to age and gender type and when a bedroom can be shared or when a bedroom must be allocated to each individual based on age and gender.

MHRC uses the Housing Operations Management System (HOMS) to maintain all tenant related and property management information with a vision to enable effective delivery of social housing programs. The Social Housing Rental Program policies and procedures drove the system requirements.

HOMS presently has F (female) and M (male) as gender identifiers. A third gender could be added with system changes.

For the Building Foundations Bursary program, Manitoba Housing asks applicants to check either “male” or “female” but does not categorize this as either sex or gender. Manitoba Housing may want to review gender information when compiling data for a program evaluation. Gender is not a consideration when assessing eligibility for the bursary.

Healthy Child Manitoba Office

Healthy Child Manitoba Office (HCMO) collects either gender or sex information for 13 applications related to its programs and services. In all cases, the collection of sex or gender data does not affect program eligibility but is used for policy decisions, program planning and evaluation. For each application, options under gender and sex categories are listed in appendix A.

HCMO was not yet asked about expected resource requirements for changing gender and sex information.

Resource Needs to Modify Applications in Families

To determine an estimate of resources (staff, time and financial cost) to making the collection of gender data consistent with TBCS policy, staff were asked:

“What would it take to change gender and sex data options in your business application in terms of time, money, staff and other resources?”

This question was tailored to each program area depending on whether the business application collected gender or sex information, and what options were already available. For example, in the case of EIA’s SAMIN system, staff were asked about the resources requirements to change the existing sex category to gender and include three gender options. In cases where gender was already a data field, the question of resource needs for including a third gender option (in addition to male and female) was requested.

At this point, it is unclear whether changes to all business applications in Families would be needed. TBCS policies on gender data does not apply to how information is coded internally. What matters is that public-facing forms are consistent with their gender data collection policy. For example, a public-facing application form could ask for gender information with classifications including male (m), female (f) or other gender (x). However, internal coding could use the category “sex” and have classification codes male (m); female (f); and gender diverse (d). If categories and codes are not consistent (i.e. public-facing application and business application), this would need to be communicated to all staff who input or extract data from the business application.

A more thorough analysis of Families’ applications would be required to see the implications of changing paper and/or online applications to see what the effect is on business applications systems. For example, some programs offer online applications where the gender field can be easily changed, however, if a third gender option is inserted, this may cause internal technical issues for business applications that do not include a third gender option.

Gender Identifying Language in Department of Families Legislation

The majority of legislation under the purview of the Department of Families includes gender-identifying language.

Accessibility for Manitoban's Act: he/she pronouns

The Adoption Act: he/she pronouns

The Intercountry Adoption (Hague Convention) Act: he/she pronouns

The Adult Abuse Registry Act: he/she pronouns

The Manitoba Assistance Act: he/she pronouns

The Child and Family Services Act: he/she pronouns

The Child and Family Services Authorities Act: he/she pronouns

The Community Child Care Standards Act: he/she pronouns

The Elderly and Infirm Persons' Housing Act: him/her pronouns

The Health Child Manitoba Act: him/her pronouns

The Income Tax Act: his/her, he/she pronouns

The Parents' Maintenance Act: son/daughter, his/her pronouns

The Protecting Children (Information Sharing) Act: his/her pronouns

The Social Services Administration Act: his/her, he/she pronouns

The Social Services Appeal Board Act: he/she, his/her pronouns

The Social Work Profession Act: his/her, he/she pronouns

The Vulnerable Persons Living with a Mental Disability Act: he/she, himself/herself, him/his/her pronouns