Practice Resource

Law Society
of British Columbia

Guidance for Lawyers on Using Inclusive Language[1] [Updated June 2024]

This practice resource is intended to support lawyers in their use of inclusive language. It is not intended to be comprehensive or definitive. Recognizing that language evolves, this resource will be revisited frequently for updating. Please feel free to provide comments and suggestions to equity@lsbc.org.

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Purpose – Why Using Inclusive Language Matters

Inclusive language is free from words, phrases, or tones that reflect prejudiced, stereotyped, or discriminatory views of particular people or groups, whether intentional or not. The words we use, regardless of our intention, can make others feel excluded, judged, or even hurt and unsafe. Using inclusive language can help create a safe environment in our communications with others.

Communicating inclusively means being thoughtful in the way we communicate. It means considering how the way we communicate may include some and exclude others, and trying to communicate in a manner that reflects the diversity of our society. It is about recognizing that seemingly benign language can be marginalizing, and evolving in the way we communicate to avoid that impact.

Inclusive communications are important to the practice of law for a number of reasons, including:

- **Our conduct matters.** The conduct of lawyers should reflect favourably on the legal profession and inspire the confidence, respect, and trust of clients and of the community.[2]

- **Courtesy matters.** Lawyers must be courteous and civil and act in good faith with all persons with whom they have dealings in the course of their practice.[3] Personal remarks or personally abusive tactics interfere with the orderly administration of justice and have no place in our legal system.[4]

- **How we communicate matters.** Lawyers must not, in the course of a professional practice, communicate to any person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a lawyer.[5]

- **Clients matter.** Lawyers have a duty to communicate effectively with a client.[6] Clients communicate more openly if they do so without fear of judgement. Communicating inclusively can help clients feel safe and respected, which can

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[2] Code of Professional Conduct for BC ["Code"], rule 2.2-1, Commentary [2].
[3] Code rule 7.2-1.
[4] Code rule 7.2-1, Commentary [2].
[5] Code rule 7.2-4.
[6] Code rule 3.2-1, Commentary [3].

assist in reducing barriers to access to justice.

- **Our staff matters.** Employees are more engaged and productive when they feel included and seen.

- **Precision matters.** Communicating inclusively means being thoughtful about how we address someone, and considering not only how we refer to an individual, but what information is relevant in preparing that description.

- **Complying with the law matters.** Lawyers have a special responsibility to comply with the requirements of human rights laws in force in Canada, its provinces and territories and, specifically, to honour the obligations enumerated in law (including human rights laws).[7]

- **Competence matters.** To be competent, lawyers need to adapt to changing professional requirements, standards, techniques, and practices[8] and to pursue appropriate professional development to maintain and enhance legal knowledge and skills.[9] This includes being conscious of how to communicate with others in a manner that is inclusive and recognizing such communication will evolve over time.

Principles – What Using Inclusive Language Means

Using inclusive language means:

- Communicating in a manner that recognizes the inherent dignity and equality of all individuals.

- Treating people as individuals and not categories.

- Recognizing that people are multi-faceted, and the intersectionality[10] of their lived experiences.

- Creating safety and connection through using language that demonstrates

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[7] Code section 6.3.
[8] Code rule 3.1-1 (k).
[9] Code rule 3.1-1 (j).
[10] Intersectionality is "the interconnected nature of social categorizations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage; a theoretical approach based on such a premise." (Oxford English Dictionary, available on-line at: intersectionality, n.: Oxford English Dictionary).

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consideration, courtesy, and respect.

- Recognizing that some words, phrases, or tones exclude people, regardless of the intent of the person using them.

- Recognizing that some words, phrases, or tones are offensive, regardless of the intent of the person using them.

- Reflecting on the words we use and having the courage to respectfully ask when we do not know what words to use.

- Asking others how they expect to be addressed, rather than making an assumption.

- Listening when others tell us how they expect to be addressed and adhering to it.

- Being clear in communicating our needs, and constructive and compassionate with our words when a correction or explanation is required.

- Having the humility to acknowledge when we have made a mistake, apologize, learn from the mistake, and move on.

In Practice – How Using Inclusive Language Works

The following sections delve further into the importance of inclusive language and provide some tips to consider. As noted above, key principles and themes flowing throughout include being respectful of others, their choices and their privacy; guarding against assumptions; learning and respecting terminology; avoiding stigmatizing language; humility and accountability.

Accountability: Mistakes & Apology

If you make a mistake, acknowledge it, apologize, learn from it, and move on.

While a person might say the wrong thing, apologizing for mistakes and exhibiting a commitment to learn are positive steps.

Remember that your apology should be brief, it is not about you, and should not make the situation more difficult for the person you are apologizing to – avoid drawing attention to your own feelings or asking the person to educate you about their life.

Race, Ancestry, Culture, Ethnicity, and Country of Origin

Cultural labels, names, and expressions can be created and used to portray certain groups as inferior or superior to others. Preferred terms change as language evolves and as awareness increases. It is important to respect a group's or an individual's preference about how they wish to be addressed.

If you are about to mention a person's race, ancestry, culture, ethnicity, or country of origin, consider if it is actually relevant to the communication. If it is not, skip it. For example, "I'm representing a [race or ethnicity, or language of the person] client in a litigation matter" in most cases should really be "I'm representing a client in a litigation matter."

You should also keep in mind your obligation as a lawyer to, when appropriate, advise a client of the client's language rights, including the right to proceed in the official language of the client's choice.[11]

To make more inclusive use of language, consider the following:

- **Capitalize the proper names of nationalities, peoples, and cultures.** For detailed guidance on capitalization of proper nouns, consider using a formal style guide.

- **Be cautious about racial, cultural, and other identity references that are not necessary, or assume similarities and affinity.** Instead of saying, "Have you met Dan? He's Asian too. You two would get along," consider saying "Have you met Dan? He's new to the firm." Avoid making assumptions about people and assuming that they share personal traits, interests, or similarities based on their gender, race, culture, class, heritage, status, or appearance.

- **Do not compliment someone on their speech if you would not say the same to a Canadian-born colleague.** Telling someone their English is very good or that their accomplishments are impressive with the implied ending of 'for someone of their race or ethnicity' reinforces stereotypes. If you would not say it to someone you knew grew up in Canada, you should avoid saying it at all.

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[11] Code rule 3.2-2.1.

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- **Be cautious about introducing or describing someone by their race, culture, or ancestry.** Consider whether identification based on race, culture, or ancestry is relevant. Culture is a very fluid and dynamic concept that may not reflect the complexity of individual identities. Whenever possible, allow a person to introduce aspects of their identity that they choose to share. If you find yourself in a situation where you are sharing a person's identity on their behalf, let them know prior and respectfully ask the person how they wish to be identified.

- **When references are relevant and necessary, find the appropriate, widely-accepted terminology and use the language preferred by the individual or group concerned.** Persons of colour often find themselves facing questions about their race, ethnicity or ancestry for no rhyme or reason. If the references are not relevant or necessary, then asking a person about those things may put them on the spot and make them feel unsafe. Be specific about what you are asking. If you are asking for their race or ancestry, do so directly instead of euphemizing the question. Avoid questions like "Where are you from?" and "Where are your parents from?" and never follow-up with "But where are you/your parents really from?" as it implies that the person is either lying about being Canadian-born or that they will always be an outsider/foreigner. Preferred terminology depends on the preferences of the individual or group, and may change on the basis of location. For example, in the United States, "African-American" is used; in Canada, some people in African-Canadian communities prefer the term "Black," or "African-Canadian," among others. Where self-identification is not possible, refer to language used in official, relevant, and up-to-date publications.[12]

- **Be thoughtful and purposeful with how you use term "racialized."** While 'racialized'[13] is a word that is used frequently, it is not accepted for use by all non-white people. "The term 'racialized'" is a sociological concept closely related to racism. People seen as belonging to racialized minorities are people who could be perceived as being socially different from, for example, the racial or ethnic majority. In Canada, the term "racialized minority" usually refers to non-white people. The word "racialized" stresses the fact that race is neither biological nor objective but is a concept which is societal in origin. Categorizations other than "racialized" include "people of colour" or BIPOC

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[12] For example, the BC's Office of the Human Rights Commissioner's *Glossary*, or the Statistics Canada *Census of Population*.

[13] See a definition of "racialized" and other key terms in the Government of Canada *Guide on Equity, Diversity and Inclusion Terminology*.

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(Black, Indigenous, People of Colour)."[14] If you find yourself in a circumstance that referencing a person or group's race, ancestry, culture, ethnicity, or country of origin is relevant or necessary, remember that preferred terminology will vary, so it is important to always ask individuals or communities how they prefer to be referenced to respect their self-identifications before making the reference.

- **Make best efforts to learn or ask for the correct pronunciation and consciously make an effort to get it right.** Mumbling through a word or skipping over it (e.g., "I'm not going to even try with this name!") demonstrates a lack of respect. Consistently mispronouncing or misspelling an individual's name is considered a micro-aggression and can make an individual feel they are less important and less valued than others. When in doubt, ask the person how they wish to be addressed or what name they would like to be used. It is also best practice to ask all participants in a conversation, so that no one is singled out.

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[15]

Indigenous Peoples

As a commitment to reconciliation, developing literacy with language that more accurately reflects Indigenous people is core to advancing meaningful reconciliation.

There are three distinct groups of Indigenous Peoples in Canada: First Nations (status and non-status Indians), Métis, and Inuit. "Indigenous Peoples" is commonly used as a collective term for all of the original peoples in Canada and their descendants. "Indigenous people" with a lower case "people" refers to more than one Indigenous person rather than the collective group of Indigenous Peoples. If a person is working with a specific group that identifies as First Nations, Inuit, or Métis, they are encouraged to use the more specific name rather than the broader term.

It is usually preferable to refer to a particular First Nations group by its chosen name for identification, such as Nisga'a Nation, McLeod Lake Indian Band, or Westbank First Nation. When a particular group is referred to by its chosen name, many groups dispense with the use of the term "First," as in Kwakiutl Nation instead of Kwakiutl First Nation.

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[14] For more information, see *Racialized Minorities* in the Canadian Encyclopedia.
[15] See *Accountability: Mistakes & Apology* on page 4.

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In-group terms are terms that are accepted and used by members of the same group, but are most often not appropriate for use by people who are not members of the group. In-group terms often form as an act of resilience and re-appropriation. This may occur in many groups. For example, the term "Indian" may be used as an in-group term, often among older First Nations people. Often the terms "Aboriginal," "First Nations," "Native", and "Indigenous" are used interchangeably, sometimes by members of the Indigenous community. However, people are encouraged to recognize that these terms carry different meanings to different people, and also carry different meanings in legislation. For instance, Indigenous people may use in-group terms that are unsuitable for those outside of that group to use. When dealing with specific people or groups from the Indigenous community, it is always best to find out what term they prefer.

Some Indigenous people identify more closely with their tribal or linguistic group designation (e.g., Interior Salish) and prefer the use of the name of the community. Try to identify the tribal affiliation or community, and use Indigenous spellings for the names of communities.

It is helpful to be aware of the following terms[16]:

- **Indigenous:** from the Latin term "indigena," meaning "sprung from the land; native." For many years, the term "Indigenous Peoples" was used primarily in the international context. Over the past few years, "Indigenous" has become the preferred term to collectively refer to First Nations, Métis, and Inuit in Canada. This shift in domestic usage relates in part to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by the United Nations General Assembly in 2007, and Canada's endorsement of UNDRIP in 2016.

- **Indigenous Peoples:** commonly used as a collective term for all of the original peoples of Canada and their descendants.

- **Indigenous people:** (with a lowercase "people") refers to Indigenous individuals rather than the collective group of Indigenous Peoples.

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[16] This list of terms is from the Law Society of British Columbia's *Indigenous Intercultural course*, Module 2.1 – Indigenous Peoples. Many of these definitions come from the Senate Committee Report entitled *How Did We Get Here? A Concise, Unvarnished Account of the History of the Relationship Between Indigenous Peoples and Canada, 2019*. See also: *Constitution Acts, 1867 to 1982*, *Indian Act, R.S.C., 1985c. I-5, Declaration on the Rights of Indigenous Peoples Act*, SBC 2019 CHAPTER 44.

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- **Aboriginal:** section 35(2) of the *Constitution Act*, 1982 defines the "Aboriginal peoples of Canada" as including "the Indian, Inuit, and Métis peoples." Accordingly, "Aboriginal" is sometimes used as an all-encompassing term that includes First Nations (Indians), Inuit, and Métis, and in reference to section 35 of the Constitution.

- **First Nation:** a group of Indigenous Peoples that the federal government officially recognizes as an administrative unit under the *Indian Act*, or that functions as such without official status. The term came into common usage in the 1970s to (largely, but not entirely) replace the term "Indian band". The term excludes Inuit and Métis peoples. An individual may identify as a "First Nations person."

- **Indian band:** a group of "Indians" that that the federal government recognizes as an administrative unit under the *Indian Act*. The term "First Nation" has (largely, but not entirely) replaced the term "Indian band" in common usage.

- **Indian:** an outdated descriptor that refers to individuals in relation to the Indian Act. In the context of Indigenous Peoples, it should only be used with specific reference to the *Indian Act*.

- **Status Indian:** an individual who is registered as an "Indian" in accordance with the provisions of the *Indian Act*. Eligibility rules for Indian registration have frequently changed since the first *Indian Act* was passed in 1876.

- **Non-status Indian:** an individual who does not meet the eligibility requirements to be registered as a "status Indian" under the *Indian Act* rules, but is nonetheless affiliated with an Indian band or First Nation (rather than with an Inuit or Métis community).

- **Inuit:** a circumpolar people who live primarily in four regions of Canada: the Nunavut territory, Nunavik, Nunatsiavut and the Inuvialuit Settlement Region, collectively known as Inuit Nunangat. Inuk is the singular form of Inuit and is used when referring to a single person.

- **Métis:** there is no uniformly accepted definition of Métis. Some describe the Métis people as descendants of the historic Métis Nation, including those persons whose ancestors inhabited western and northern Canada and received land grants or scrip.

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- **Urban Indigenous people:** all cities within North and South America have been built on Indigenous territories, and the original Indigenous inhabitants often continue to live where these cities have emerged. Many Indigenous individuals from other Indigenous territories also move to urban centres for a variety of reasons (e.g., education and employment).

To make more inclusive use of language, consider the following:

- **Be mindful with the term "Indigenous Peoples."** "Indigenous Peoples" refers to the Aboriginal population in Canada collectively, including First Nations, Métis, and Inuit. "Indigenous people" with a lower case "people" is simply referring to more than one Indigenous person rather than the collective group of Indigenous Peoples. In Canada, there is a shift towards the use of "Indigenous" as the collective term, but "Aboriginal" may still be used e.g., "Aboriginal and treaty rights" in the *Constitution Act*, or the "Aboriginal Peoples' Television Network."

- **Understand that Indigenous Peoples come from different nations with distinct languages, cultures, and customs.** The specific nation, community, or band should be used when possible. You are encouraged to use the spelling, punctuation, and pronunciation that the Indigenous group prefers.

- **Be cautious about vocabulary and usage, especially that which ascribes ownership.** Instead of describing Indigenous Peoples as "belonging" to Canada, as in "Canada's Indigenous Peoples," or "our Aboriginal/Indigenous Peoples", it is more respectful to say, "Indigenous Peoples living in Canada." Also, consider learning and referencing the traditional territory where possible.

- **Capitalize formal titles and maintain consistency.** When it is a part of a person's title, capitalize "Chief," "Hereditary Chief," "Grand Chief," and "Elder." For example, "Elder Vera Snow will be attending the event." Capitalization is also necessary when referring to "Nation" or "Nations."

- **Avoid the use of expressions that refer to Indigenous cultures in a manner that is incorrect and disrespectful.** For example, expressions such as "let's have a Powwow in my office", "lowest man on the Totem pole", "so-and-so is my spirit animal" should not be used.

- **Do not make assumptions.** Not all Indigenous people look the same. Statements such as "you don't look Indigenous" or "how Indigenous are you" not only reinforce stereotypes but also deny the person's identity. If it is integral to your conversation and you must know more about someone's Indigenous identity, approach the topic in a respectful and non-threatening manner by inquiring about their community affiliation.

- **Recognize and correctly differentiate between "Indigenous law/laws/legal traditions" and "Aboriginal law".** Indigenous law originates within Indigenous societies, and is embedded in Indigenous legal orders, protocols, and laws that predate colonization. Aboriginal law is "a body of law, made by the courts and legislatures, that largely deals with the unique constitutional rights of Aboriginal peoples [as defined in section 35 of the *Constitution*] and the relationship between Aboriginal peoples and the Crown."[17]

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[18]

Sexual Orientation, Gender Identity, Gender Expression, and Sexual Characteristics

Sexual orientation, gender identity, gender expression, and sexual characteristics have different meanings, and are subjective and circumstantial to the individual.

It is helpful to be aware of the following terms and their definitions:[19]

- **Gender expression** "is how you present gender (through your actions, clothing, and demeanor, to name a few), and how those presentations are viewed based on social expectations."[20]

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[17] *Making Space for Indigenous Law.* JFK Law. (January 12, 2016) Both definitions are from the Law Society of British Columbia's *Indigenous Intercultural Course*, Module 2.2 – Indigenous Law.
[18] See *Accountability: Mistakes & Apology* on page 4.
[19] This list of definitions is not intended to be read as exhaustive or limiting. People will use different definitions than what is set out here. Moreover, as language changes and evolves over time, people will find new and better ways of expressing who they are to each other. Fundamentally, according people equal respect and dignity means using the language they identify by.
[20] *The Genderbread Person, version 4*. It's Pronounced Metrosexual.

- **Gender identity** refers to a person's internal experience or perception of themself as male, female, neither, a combination, trans, and/or non-binary. Gender identity may or may not align with what society expects based on sex assigned at birth.

- **Sex** refers to the biological and physical characteristics used to classify humans at birth. Sex assigned at birth is "[t]ypically based solely on external genitalia present at birth (ignoring internal anatomy, biology, and change throughout life)."[21]

- **Intersex** "is a term that some people with Differences of Sex Development (DSD) use to self-identify. DSD refers to reproductive or sexual anatomy that is outside the common range of variance assigned as male or female anatomy. Differences may be related to genitalia, secondary sex characteristics, chromosomal make-up, hormonal receptivity, and may or may not be visible at birth…. Note, 'Intersex' and 'DSD' are related to physical sex development, and therefore, are different than 'trans' which is related to gender identity."[22]

- **Cisgender** refers to a person whose gender identity corresponds with the sex they were assigned at birth.

- **Transgender or trans** is an umbrella term to describe a wide range of people whose gender identity differs from the sex they were assigned at birth.

- **Non-Binary** means having an experience of gender as being more than the two options of male and female. Some individuals experience their gender as both, or as neither, male nor female. Non-binary can be used on its own or as an umbrella term to describe a range of gender identities, sometimes including Agender, Androgyne, Bi-gender, Genderqueer, Gender Diverse, Gender Fluid, Gender Neutral, Gender Non-Conforming, Gender Variant, Intergender, Neutrois, Poly Gender, Third Gender, or Two-Spirit(ed).

- **Agender** describes a person "who identifies as having no gender or being without a gender identity."[23]

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[21] *The Genderbread Person version 4*. It's Pronounced Metrosexual.
[22] *Glossary*. Trans Care BC, Provincial Health Services Authority.
[23] *Glossary*. Trans Care BC, Provincial Health Services Authority.

- **Two-Spirit** is "[a] term used within some Indigenous communities, encompassing sexual, gender, cultural, and/or spiritual identity. This umbrella term was created in the English language to reflect complex Indigenous understandings of gender and sexuality and the long history of sexual and gender diversity in Indigenous cultures. This term may refer to cross, multiple, and/or non-binary gender roles; non-heterosexual identities; and a range of cultural identities, roles, and practices embodied by Two-Spirit peoples."[24] Not all 2SLGBTQAI+ Indigenous people identify as two-spirit.

- **Sexual orientation** refers to a person's sexual and/or romantic attraction. The term "sexual preference" is inappropriate and inaccurate as it assumes to whom one is sexually and/or romantically attracted is a choice. Sexual orientations include queer, lesbian, gay, bisexual, pansexual, asexual, demisexual, and aromantic.

- **Asexual** describes "[a person] who does not experience sexual desire for people of any gender. Some asexual people desire romantic relationships, while others do not. Asexuality can be considered a spectrum, with some asexual people experiencing desire for varying types of intimacy. This desire can fluctuate over time. Asexuality is distinct from celibacy, which is the deliberate refraining from sexual activity."[25]

- **Aromantic** refers to "people who do not experience romantic attraction."[26]

- **Polyamorous** "[d]escribes a person who has consensual relationships that involve multiple partners. Polyamorous people talk openly with their partners about having or having the desire to have sexual and/or emotional relationships with multiple people and often set ground rules for their relationships. Polyamorous people can be in relationships with monogamous people."[27]

- **2SLGBTQAI+** refers to two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual people. The acronym represents many, but not all, groups with non-normative sexual orientation, gender identity, gender expression, or sexual characteristics. The "+" recognizes that there are many more identities as well. Sometimes this community is also recognized with

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[24] *Glossary*. Trans Care BC, Provincial Health Services Authority.
[25] *Glossary*. Trans Care BC, Provincial Health Services Authority.
[26] *Gender Nation Glossary*. Refinery 29. (June 1, 2018)
[27] *Gender Nation Glossary*. Refinery 29. (June 1, 2018)

broad terms, such as the sex and gender minority community, the queer and trans community, or a variation of sexual orientation and gender identity and expression community.[28]

Language has taken on unnecessarily gendered forms, which includes words, phrases and expressions that exclude based on sexual orientation, gender identity, gender expression, and sexual characteristics. To use language that is not inclusive to someone's sense of self can cause the person to feel disrespected, unwelcome, and dehumanized.

There is a shift away from heteronormative language (e.g., language that reinforces the attitude that heterosexuality is the preferred way of being) toward terminology that is more inclusive (e.g., using "spouse" instead of "husband" or "wife" or "parent" instead of "mother" or "father"). Similarly, there is a shift away from cisnormative language (e.g., language that assumes that all people are cisgender) toward terminology that is more inclusive (for example, using "their" instead of "his or her").

Language around pronouns, titles, and honorifics has also evolved. Pronouns in English originally developed around binary gender norms (female/male, such as "hers/his," "he/she," "him/her," or "herself/himself") that ignore the full range of gender identities and may not match a person's gender identity or expression. Individuals may use other pronouns such as "they/them/theirs", "ey/em/eir", "xe/xem/xyr", "ze/zir/zirs", no pronouns, or otherwise. They may also use titles other than "Mr.", "Mrs.", or "Ms.", including the gender neutral title "Mx.". When in court or other litigation and dispute resolution fora, presiding officers are increasingly moving away from gendered honorifics (e.g., "Lord", "Lady", "Mr. Justice", and "Madam Justice") in favor of inclusive and neutral terms like "Justice", "Your Honour", or simply adding the presiding officers title (if gender neutral) prior to their surname.[29]

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[28] For example, the Canadian Bar Association's *Sexual and Gender Diversity Alliance Section* (known as SAGDA).

[29] BC courts no longer use the terms "My Lord", "My Lady", "Your Lordship", and "Your Ladyship", and are increasingly moving away from gendered honorifics such as "Madam" or "Mr" and gendered language for other court staff; for more information see the Courthouse Libraries BC *Forms of address*.

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Communicating inclusively means extending to others the respect of addressing them how they have asked to be addressed, and reducing the harm of doing otherwise:

- **Misgendering:** Regardless of a person's gender identity or gender expression, gender can be very important to someone's sense of self. Using the wrong gendered language for someone (called misgendering) is disrespectful, marginalising, and can endanger a person's safety and well-being.[30]

- **Deadnaming:** Another key element of a person's sense of self is their name. It is harmful and disrespectful to use a former name, sometimes referred to as a "dead name", when someone has identified a name that they go by. Using a deadname can also endanger a trans person's safety and well-being by outing the fact that they are trans.[31]

To make more inclusive use of language, consider the following:

- **Do not make assumptions.** All people do not look a certain way or come from the same background. Inclusive terms should be used at all times for all audiences.

- **Address people with the pronouns they ask to be used, and don't assume.** If a person has not previously shared their pronouns with you, look and listen for the pronouns that person provides – for example, it has become increasingly common to include pronouns in email signatures and video-conference display names, or to state one's pronouns as part of an introduction. Several courts and tribunals now officially have policies for the identification of pronouns and respectful use of them in proceedings.[32] Alternatively, you could ask the individual privately and respectfully about how they should be addressed. If you don't know, use the person's name or they/them/their pronouns.[33]

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[30] For more information on the harm caused by misgendering, see: *No need to guess*. CBA National. Dustin Klaudt and Lisa M.G. Nevens. (February 10, 2021)

[31] For more information on the harm caused by deadnaming, see: *What Deadnaming Is and Why It's Harmful*. Cleveland Clinic. Health Essentials. (November 17, 2021)

[32] British Columbia Supreme Court, "PD-59 Practice Direction: Forms of Address for Parties and Counsel in Proceedings" (December 16, 2020); British Columbia Supreme Court, "PD-60 Practice Direction: Form of Address" (November 18, 2021); British Columbia Court of Appeal, "Practice Directive (Civil and Criminal): Appearing before the Court" (14 November 2023).

[33] See the British Columbia Law Institute's *Gender Diversity in Legal Writing: Pronouns, Honorifics, and Gender-Inclusive Techniques* for further guidance on the use of pronouns.

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- **Address people with the title/honorific they ask to be used, and don't assume.** When dealing with a new employee, client, or opposing counsel, it is appropriate to ask how the person would like to be addressed before assuming which title/honorific is appropriate to use. Avoid the use of courtesy titles (e.g., Mrs., Mr., Ms., and/or Mx.) unless you know which, if any, title a person uses. Some people do not use titles or honorifics and may request you avoid them altogether, which should be respected. Although terms like "ma'am" and "sir" have also traditionally been viewed to address men and women in a formal, respectful manner, these terms are outdated and assume gender. In situations such as writing a formal letter, in which using a first name alone may be inappropriate but it is not yet known how a person would like to be addressed, using a full name or an appropriate professional salutation (for example, "Dear Counsel") is preferable to making assumptions about the correct title/honorific to use.[34]

- **Address people by the name they ask to be used.** Use and respect the names people identify for themselves. If you happen to know the name someone was given at birth but no longer uses, refrain from sharing it without the person's explicit permission and protect it as private and confidential information. Similarly, when using a person's pronouns, use them consistently in both past, present, and future tense. Even if the person has changed their pronouns, refer to them with the current pronouns even when referring to them prior to the changing of their pronouns.

- **Address and refer groups of people inclusively.** The standard address for a group of people in a formal setting is often "ladies and gentlemen" however, this language is not inclusive, and should be avoided. Similarly, greeting or referring to a group as "the girls, ladies, guys, dudes", etcetera should be avoided. Since you cannot always know the composition of a group you are addressing or referring too, and do not want to presume or put labels on people, it is best to use a gender-neutral way of addressing or referring a group (for example, honoured guests, friends, colleagues, folks, team, staff).

- **Do not make assumptions about roles.** Do not assume someone is a law student, paralegal, assistant, or lawyer based on their gender or appearance.

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[34] See the British Columbia Law Institute's *Gender Diversity in Legal Writing: Pronouns, Honorifics, and Gender-Inclusive Techniques* for further guidance.

- **Do not make gendered language assumptions about bodies.** Consider the assumptions that are built into the language you use and who they may exclude. For example, a person does not need to identify as a woman to be pregnant, or menstruate, or have breast cancer.

- **Respect a person's privacy.** Avoid asking unnecessary and intrusive questions. Questions about a person's sexuality, gender (beyond how they wish to be referred to), body, or deadname are rarely necessary in a workplace or in a legal matter. The information may be volunteered but should not be requested unless strictly necessary. Reflect on the information you require and why you are asking, recognizing that people are not required to explain themselves to you, and that your curiosity, however earnest, is not a legitimate basis upon which to ask.

- **Respect terminology.** People use many different terms to describe their experiences. Respect the term that a person uses.

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[35]

- **Here are some examples of how to make more inclusive use of language:**

Word or Phrase	Alternative
Each associate should read his copy of document review parameters carefully.	Associates should read their copies of the document review parameters carefully.
Whoever bills the most hours this year will have his or her billable rate increased.	Whoever bills the most hours this year will get a billable rate increase.
Please feel free to invite your husband or boyfriend to the firm's holiday party.	Please feel free to invite a spouse(s) or partner(s) to the firm's holiday party.
Women are encouraged to apply.	All genders are encouraged to apply.
Dear Ms. Smith:	Dear Taylor Smith:

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[35] See *Accountability: Mistakes & Apology* on page 4.

John Doe v. Company	Person A v. Company
Jane Doe v. Company	

Marital or Family Status

Marital and family status can cover a range of family forms, including single or separated parents, single people, married or common law spouses, blended families, families without children, dyadic[36] relationships or couples, as well as polyamorous relationships and families.

Whenever possible, it is respectful to echo the terms that people use to identify their own family relationships. When unsure of the appropriate term to use, general and non-gendered terms such as "parent or guardian", "partner or spouse", or "family members" are preferable."

Adoption, assisted reproduction, standby or testamentary guardianship, and orders or agreements about parentage, parenting arrangements, or guardianship are a part of many families. Questions about how a family has been formed (for example, who carried a baby, whose eggs were used, whose sperm was used, the relationship between these people, etc.), may arise from earnest curiosity, but can have an uncomfortable effect on someone. The information may be volunteered but should not be requested unless strictly necessary.

To make more inclusive use of language, consider the following:

- **When a person identifies as married or in a relationship, refrain from making specific references to the gender of their partner (such as referring to their "wife", "husband", "girlfriend", or "boyfriend") unless the person themself uses that gendered term to refer to their partner.** Instead, use gender neutral terms such as "spouse" or "partner."

- **The question of marital or family status can be avoided by using names only in both written and oral form.** In the workplace, people usually refer to each other by their first names, with no title indicating marital or family status.

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[36] A "dyad" can be defined as "two individuals […] maintaining a sociologically significant relationship." (Merriam-Webster dictionary, available on-line at: Dyad Definition & Meaning - Merriam-Webster).

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When dealing with a new employee, client, or opposing counsel, it is appropriate to ask how the person would like to be addressed before assuming which title/honorific is appropriate to use. In situations, such as writing a formal letter, in which using a first name alone may be inappropriate but it is not yet known how a person would like to be addressed, using a full name or an appropriate professional salutation (for example, "Dear Counsel") is preferable to making assumptions about the correct title/honorific to use.

▪ **If necessary to specify the nature of a parent-child relationship, it is preferable to refer to someone's "birth parent" or "biological parent" rather than "natural parent" or "real parent."** The terms "natural parent" or "real parent" imply that a non-biological parent-child relationship arising from adoption, assisted reproduction, multi-party parentage, or non-formalized parenting relationships are unnatural or not real. In most circumstances, it is not necessary to specify this information, and a general term such as "parent" or "guardian" is preferable. When discussing parentage, it is important to recognize that there are many forms of parenting relationships and assuming that a parentage relationship will necessarily involve only one mother and one father may be inappropriate.

▪ **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[37]

Age

A person should be mindful about the connotations that could arise when referring to age, as both younger and older people may face systemic barriers to being included in the workplace due to their age. Consider when and how referring to age is truly relevant.

To make more inclusive use of language, consider the following:

▪ **Avoid terms and phrases that stereotype individuals or groups on the basis of their age (e.g., language that implies that a particular age group is more or less able).** Demographic terms such as "older" and "younger" are relative and should be used only when relevant within a clear and specific context. For example, "You look good for your age" can be rephrased as "You look great", and "You're how old?" can be rephrased to "I'm very impressed by your

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[37] See *Accountability: Mistakes & Apology* on page 4.
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knowledge/experience."

- **Do not make assumptions about roles.** Do not assume someone is a law student, paralegal, assistant, or lawyer based on their age.

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[38]

Disability

The United Nations definition of people with disabilities includes "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."[39] A person can be born with a disability, or they may acquire a disability through age, illness or accident. People may have compounding disabilities, conditions, or diagnoses such as physical and psychological symptoms.

When speaking to or about a person with a disability, it is important to focus on the person and not on their disability. Not all persons with disabilities will have strong preferences about language, and there is not always consistency about preferred language between different people. An effective way to determine a person's preferences for what language they are comfortable with is to follow their lead and note how they refer to themselves, or to ask them in a discreet way that does not draw attention to them. Some people may be more comfortable sharing information about their disabilities than others. Remember, though, that it is harmful to have individuals approach persons with disabilities to only ask about their physical disability, condition or diagnosis, so be mindful to approach these interactions in a manner that appreciates that all individuals are multi-faced and should be treated with inherent dignity and respect.

Be sensitive in your use of language to the fact that chronic conditions and disabilities are visible (e.g., use of a wheelchair due to spinal cord injury) and non-visible (e.g., mental illness), and can also be episodic or degenerative. Also remember that having a disability is not the same as being sick. Many people with disabilities are physically and mentally healthy.

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[38] See *Accountability: Mistakes & Apology* on page 4.
[39] *Frequently Asked Questions (FAQs)*. United Nations (UN) Enable.

To make more inclusive use of language, consider the following:

- **"Person with a disability" is a preferred term.** The use of the word "handicap" is considered offensive, and the preferred term is "person with a disability."

- **Consider people first.** Instead of saying "disabled employee," consider saying "employee with a disability." The latter approach emphasizes that individuals with disabilities are people first, and are not defined by their disability.

- **Address the person with a disability directly when speaking with them or referring to them.** It is humanizing and affirming to speak directly to a person with a disability even when they are accompanied by an interpreter or assistant. Address questions directly to the person with a disability and speak normally. If the person with a disability requires you to slow down or speak more loudly, they can ask for that but do not assume. For example, when speaking to a deaf person accompanied by an ASL interpreter, speak to the deaf person and not the ASL interpreter.

- **Generally, frame a disability and most medical conditions as something a person has rather than what they are.** For example, "They have a disability" not "They are disabled," For certain communities, people may prefer more direct language. For example, "He is deaf" rather than "He has deafness" or "She is blind" rather than "She has blindness."

- **If you need to reference or ask about a person's disability, always ask what terminology a person uses for themself.** Each person chooses how they want to self-identify.

- **Be mindful when referring to groups.** Be cautious about referring to a group of individuals as the "disabled." Instead, use references such as "employees with disabilities," "people with quadriplegia," and "employees with a developmental disability."

- **Be cautious about using language that suggests weakness or infirmity.** Instead of saying "an employee confined to a wheelchair" or "wheelchair-bound," it is more appropriate to say "the employee uses a wheelchair". People use mobility or adaptive equipment as tools for greater independence.

- **Understand that everyone is suited with their own journey in having a disability.** Unwarranted recommendations, solutions, or comments are counter-

productive and have the potential to be harmful.

- **Be cautious about portraying a person as courageous, inspirational, or special just because they have a disability.** Describing a person in this way because they have "overcome" a disability implies that it is unusual for people with disabilities to have talents and the ability to contribute in society. Avoid the use of condescending euphemisms such as "special abilities" or "handicapable",

- **Just because a person has one disability does not mean they have another.** For example, if a person has difficulty speaking, it does not mean they also have an intellectual or developmental disability.

- **Consider words or phrases you may use that are analogies reflecting a stigmatizing view of disabilities.** Phrases like "that's crazy!" or "this is nuts!" are used to mean "that doesn't make sense" or "that's surprising", but what they do is equate something being nonsensical, surprising, or frustrating with mental illness, which is stigmatizing and hurtful. Phrases like "it fell on deaf ears" when you mean that a person was not listening to you are also stigmatizing and hurtful.

- **Do not use the names of disabilities to describe your everyday behaviour.** Using phrases like "I'm so OCD" to describe your organizational skills or "bi-polar" when you have a day with ups and downs or "it was like the blind leading the blind" when the person helping you with something also does not know what to do misunderstands and trivializes the experiences of persons living with disabilities.

- **Ask if they need accommodations.** Do not be persistent in asking if a person with a disability needs an accommodation but allow space for that conversation to take place. Also, be cognizant that a person's accommodations may change over time.

- **Consider the accessibility of written materials.** For people with disabilities, readability and legibility can be essential to a successful user experience.[40]

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[41]

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[40] *Design for readability*. Harvard University. Digital Accessibility.
[41] See *Accountability: Mistakes & Apology* on page 4.
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- **Here are some examples of how to make more inclusive use of language:** [42]

Word or Phrase	Alternative
Crippled/Handicapped	Person with a disability
Wheelchair-bound	Uses a wheelchair
Substance abuse	Substance use or substance use disorder
Committed suicide	Died by suicide
Failed suicide attempt	Attempted suicide
This drives me crazy	That bothers/annoys/frustrates me
This is nuts/crazy/bonkers	This is interesting/strange/peculiar/ funny
A person suffering from physical or psychological illness	A person living with (or experiencing) from physical or psychological illness
He is schizophrenic.	He lives with schizophrenia.
I'm so OCD about organizing this file.	I am meticulous in my file organization.
Mentally ill person	She lives with a mental health condition or mental illness
They are an addict/junkie.	They live with substance use.
Drug user	Person who uses drugs

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[42] Adapted with permission from *Language Matters*. Mental Health Commission of Canada. (August 13, 2020).

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Neurodiversity

Neurodiversity describes the general diversity of minds, and includes people who are neurotypical and neurodivergent.[43] The following passage explains in more detail:

> Neurodiversity is a term that refers to the different ways the brain can work and interpret information. It highlights that no two brains are alike, and that we all think, process information, and learn in different ways. 'Neurodiverse', and also the term 'neurodivergent', are commonly used to describe when someone's brain learns or behaves differently from what is considered 'typical.

> Though the term neurodiverse was originally created to describe those on the autism spectrum, it has since been used to describe all people whose neurological conditions mean they do not consider themselves to be "neurotypical" (a term used to describe anyone who does not have a neurological condition).

> The diversity that comes from the inclusion of those who are neurodiverse results in a workplace filled with creative thinking, innovative ideas, increased productivity, unique problem-solving skills and "outside the box" approaches to tasks.[44]

"Many times, neurodivergent people will have a diagnosis or label you may recognize, like autism, dyslexia, or ADHD. But neurodivergent people are also those with epilepsy, different kinds of brain trauma, or simply a unique way of thinking that may not have a specific diagnosis."[45]

To make more inclusive use of language, consider the following:

- **Avoid the word disorder.** Using the word "disorder" to describe a neurodivergent person implies something is wrong with them. For example, consider describing a person as "living with ADHD" or someone with "lived

[43] *The Language of Neurodiversity: Terms and Definitions in the age of Inclusivity.* Medium. Neurodiversity at Work. Susan A. Fitzell. (November 23, 2021)
[44] *How we're creating a neurodiverse community*. University of Essex. Julia Greenwood. (March 14, 2024)
[45] *The Language of Neurodiversity: Terms and Definitions in the age of Inclusivity*. Medium. Neurodiversity at Work. Susan A. Fitzell. (November 23, 2021)

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experience of ADHD."[46] That said, some may prefer more direct language (see the third bullet point).

- **Consider people first and, generally, frame a person being neurodivergent as something a person has rather than what they are.** For example, instead of describing a person as "autistic," consider saying "person with autism". That said, some may prefer more direct language (see the next bullet point).

- **If you need to reference or ask about a person being neurodivergent, always ask what terminology a person uses for themself.** Each person chooses how they want to self-identify.

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[47]

Political Beliefs

A person's political belief should not determine how they are treated by others. This means recognizing the difference between respecting a person regardless of their political belief, and allowing personal judgement to shape actions and the way someone is treated.

To make more inclusive use of language, consider the following:

- **Being respectful does not mean that a person needs to agree with an opinion; it means that a person needs to be considerate when others express their opinions and vice versa.**

- **Be mindful about assumptions.** People are multi-faceted, with a variety of characteristics both political and apolitical. Be cautious about extrapolating and "filling in the blanks" about a person's political beliefs.

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[48]

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[46] To learn more about using the correct language about ADHD, check out *ADHD Language Guide*. Canadian ADHD Resource Alliance.
[47] See *Accountability: Mistakes & Apology* on page 4.
[48] See *Accountability: Mistakes & Apology* on page 4.

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Religion

Religion is a personal issue. It is inappropriate to insist another person accept or comply with a particular religious belief or practice.

To make more inclusive use of language, consider the following:

- **Avoid assumptions about how another individual may or may not practice their religion.**

- **Adopt a spirit of participation and inclusion by respecting and acknowledging different cultural, religious and spiritual celebrations.**

- **Consider rephrasing statements such as "oh my God" to "my goodness" or "oh my gosh."**

- **If you make a mistake, acknowledge it, apologize, learn from it, and move on.**[49]

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[49] See *Accountability: Mistakes & Apology* on page 4.

Resources

Articles

Conscious Style Guide: A Flexible Approach to Language that Includes, Respects and Empowers. Karen Yin.
>	https://consciousstyleguide.com/

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    and-gender-inclusive-techniques/

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    e_Pronouns_FAQ.pdf

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    https://www.refinery29.com/en-us/lgbtq-definitions-gender-sexuality-terms

Glossary. BC's Office of the Human Rights Commissioner.
    https://bchumanrights.ca/glossary/

Glossary. It Gets Better.
    https://itgetsbetter.org/glossary/

Glossary. Trans Care BC, Provincial Health Services Authority.
    https://www.transcarebc.ca/glossary

Glossary - Accessibility strategy for the Public Service of Canada. Government of
Canada.
    https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-
    public-service/diversity-inclusion-public-service/accessibility-public-
    service/accessibility-strategy-public-service-toc/accessibility-strategy-public-
    service-glossary.html

*Glossary of IDEA terms: A reference tool for inclusion, diversity, equity and accessibility
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    https://ccdi.ca/glossary-of-terms/

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*Declaration on the Rights of Indigenous Peoples Ac*t, SBC 2019 CHAPTER 44*.*

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