

County of Carleton Law Association (CCLA) Inclusive Language Guide

Prepared by the CCLA Diversity Committee

Introduction

The CCLA strives to create an inclusive, supportive, and respectful environment for all people, regardless of difference. As lawyers, paralegals, and leaders in our community, it is our responsibility to extend this spirit of inclusion into every text and publication.

Inclusive language respects and promotes all people as valued members of society. It uses vocabulary that avoids exclusion and stereotyping and is free from descriptors that portray individuals or groups of people as dependent, powerless, or less valued than others. It avoids all sexist, racist, or other discriminatory terminology.

The purpose of this discussion paper is to provide a helpful guide to inclusive language.

Readers of this paper should be aware that preferred terms change over time and as language evolves. Although we will try to update this guide from time to time, readers should be mindful that this guide is simply a starting point, and ultimately, they should strive to adopt the most inclusive, supportive, and respectful language that is available and appropriate at the time of use.

A few guiding principles

Be respectful of a person or group's preference regarding vocabulary and be guided in your writing by that preference.

Remember that there is a difference between respectful and appropriate language for those belonging to a group (in-group) and those who don't belong (out-group). For example, a person who belongs to a group may have reclaimed a once-derogatory term for that group and may now use this term. The same term, however, may offend when used by someone from outside that specific community.

Anticipate a diverse audience and make conscious efforts to reflect that diversity in written work and images. Take into consideration the different cultural, ethnic, religious, or racial backgrounds your audience may have, as well as the different ages, gender and sexual orientations, and disabilities, visible or not, of all people.

Avoid using descriptors that refer to a person's race, gender, sexual orientation, disability, or age, unless those descriptors are relevant to the story. For example, noting that an individual uses a wheelchair is appropriate in a news story on accessibility concerns on campus.

The following sections provide guidance on the use of appropriate and inclusive language within certain contexts. These guidelines are not intended to be a complete list, but rather a starting point; as mentioned previously, these guidelines may change over time.

If you are unsure about how to proceed with a certain text, please seek advice from others with appropriate expertise and knowledge. The CCLA Diversity Committee [see: <http://www.ccla-abcc.ca/page/DiversityCommittee> for committee members] may also be able to direct you to appropriate resources.

Abilities/Disabilities

The person should always come first – not the disability. Use language that emphasizes abilities and conveys a positive message rather than focusing on a person's limitations or disabilities.

Use the following:

- a person with a disability; persons with a disability (not people)
- students-at-law/employees/lawyers/clients members with a disability
- a person with cystic fibrosis

The word “disabled” is an adjective, not a noun. Do not use “the disabled.” If it is appropriate, explain a person's disability instead of focusing on the descriptor “disabled.” For example: “Mary has a neurological condition and uses a wheelchair.”

Avoid labelling or defining people by their disabilities. Do not call a person “a schizophrenic” or a group of persons “the blind.” Write “a person with schizophrenia” or “persons with loss of vision.” Keep in mind, too, that some individuals or groups may dislike the use of certain terms, such as impaired or blind. Use the term preferred by the individual/individuals. If in doubt, ask.

Avoid terms such as handicapped, crazy, crippled, physically challenged, and as noted above, thedisabled.

Please also note that chronic conditions and disabilities, including mental illness, are both visible and non-visible. Be sensitive to this and don't assume that because you don't know someone is living with a disability that they are not.

Indigenous People

There are three distinct groups of Indigenous Peoples in Canada: First Nations, Inuit, and Métis. Within these groups exists a diversity of cultures, languages, and traditions.

First Nation(s): This term began to be used in the 1970s instead of 'Indians', an inaccurate term that has generally fallen into disfavour among First Nations people. The term does not mean the same as 'Indigenous people' or 'First Peoples', as it does not include Inuit and Métis. There is no legal definition for First Nation and it is generally acceptable as both a noun and a modifier.

Indian: The term 'Indian' is generally inappropriate, except where required for clarity in discussing legal or constitutional issues. (For example, entitlements to federal programs or benefits are limited to 'status' or 'registered' Indians, as defined in the Indian Act. Not all First Nations people are 'status Indians'.)

Indigenous: In 2016, the government of Canada adopted the United Nations Declaration of the Rights of Indigenous Peoples, which recognizes Indigenous peoples' internationally legal right to offer or withhold consent to development. This adoption signaled a change in terminology used by the government and many organizations followed suit:

- Avoid using the possessive phrase "Canada's Indigenous Peoples (or First Nations/Inuit/Métis)" as it implies ownership of Indigenous Peoples. Instead use "Indigenous Peoples in Canada".
- The distinction between Indigenous people and Indigenous Peoples is important. 'Indigenous people' is used in two ways: as a plural term for two or more people of Indigenous ancestry, and a collective term for all 'Indigenous Peoples' refers to the many distinct groups of original people, each with its own culture, language and traditions, many of which live in particular geographic areas.

Inuit: Inuit are the Indigenous Peoples of the Arctic. In Inuktitut, the word "Inuit" means 'the people', so it is not necessary to use either of these words with the term 'people' — not the Inuit or 'Inuit people'. The singular form is 'Inuk' (for example, an Inuk woman).

Métis: Métis are descendants of the Métis community of Western Canada or people of Aboriginal ancestry who identify themselves as Métis. It is appropriate to include the acute accent (é) when writing Métis in English, but many Métis organizations do not use the accent, so you should check their preferred spelling when addressing material to them.

[Adapted from: <http://www.aadnc-aandc.gc.ca/eng/1100100013785/1304467449155> & taken from the Algonquin College Inclusive Terminology Glossary]

Gender

Use inclusive, gender-neutral terms rather than those that make sex-based distinctions.

For example:

- humankind, not mankind
- staffing the office, not manning the office
- ancestors, not forefathers
- working hours, not man hours
- artificial, synthetic, or constructed, not manmade

Pay attention to phrasing; avoid gender-specific terms.

For example:

- "Counsel should stand when speaking." not "Gentlemen, please stand when speaking."

Rephrase sentences that use the masculine pronoun as a generic pronoun.

For example:

- "Counsel should ensure to check in at security" not "When a lawyer enters the building, he should check in with security."

Some individuals may wish to be referred to using gender-neutral third-person pronouns instead of gender-specific third-person pronouns. Respect the individual's wishes.

For example:

- they instead of he/she
- their instead of his/her

Most occupations/roles need not be gender-defined.

For example:

- chair, not chairman
- police officer, not policeman/policewoman
- spokesperson, not spokesman

Avoid indicating marital or family status or physical appearance unless relevant and necessary for context.

For example:

- partner or spouse, not husband or wife

Titles/honorifics (Mr., Ms., Dr.) should be used consistently for all people mentioned in stories or articles. However, if there is an objection to honorifics, respect the individual's wishes and remove the title.

Gender Orientation and Gender Identity

The suggestions made above concerning ways to avoid making distinctions among people based upon gender or sex are also useful in order to avoid making assumptions about the gender identity of an individual.

The gender identity of an individual may not conform to social expectations about gender based on anatomy and appearance, or to the gender assigned that individual at birth. Be aware that some individuals identify themselves as transgender and that some individuals do not identify with the "gender binary" at all; that is, they do not identify themselves as being male or female, man or woman. Where it is not clear what, if any, gendered pronouns or nouns may be appropriately used for an individual, ask that individual and respect the individual's wishes. Some individuals may prefer the use of recently constructed sets of gender-neutral pronouns or to substitute plural pronouns (they, their, them) for the singular, gendered one.

Any discussion of issues pertaining to sexual orientation should be accurate and informed. Lesbians and gay men should be described in terms that do not trivialise or demean them, do not encourage discrimination or distorted images of their lives. Avoid negative stereotyping of supposed characteristics of lesbians and gay men, use the term partner instead of spouse, and do not assume that everyone belongs to a traditional family.

We have identified some introductory terms to be aware of. For a full detailed glossary of the terms related to gender, gender identity and sex please visit the Ontario Human Rights Commission.

Sexual Orientation: Sexual Orientation refers to an individual's emotional, romantic, or sexual feelings toward other people. People who are straight experience these feelings primarily for people of the opposite sex. People who are gay and lesbian experience these feelings primarily for people of the same sex. People who are bisexual experience feelings for people of both sexes. And people who are asexual experience no or very little attraction to either sex.

Gender Identity: the term that is used to describe a person's deeply held personal, internal sense of being male, female, some of both, neither, or a spectrum of gender. A person's gender identity may not always correspond to their assigned biological sex.

Cisgender: Cisgender people identify with (or are on the same side of) the gender assigned to them at birth. I.E.: a "cisgender man" is an individual who was assigned male sex at birth, and whose internal sense of his gender has been conventionally the same as that identification (I.E. he identifies as a man). Similarly, a cisgender woman is an individual who was assigned female at birth, and also identifies as a woman.

Transgender: often used to describe an individual whose gender identity does not necessarily match the sex assigned to them at birth. Transgender women are typically individuals who were assigned male at birth but whose gender identity is woman. Transgender men are typically individuals who were assigned female at birth, but whose internal sense of their gender identity is a man. The above is merely an example, as there is tremendous diversity within the transgender (which can sometimes be referred to as “trans”) community.

Terms to Avoid

Offensive: "homosexual" (n. or adj.)

Preferred: "gay" (adj.); "gay man" or "lesbian" (n.); "gay person/people": Use gay or lesbian to describe people attracted to members of the same sex. Because of the clinical history of the word "homosexual," it is aggressively used by anti-gay extremists to suggest that gay people are somehow diseased or psychologically/ emotionally disordered. Avoid using "homosexual" except in direct quotes and as a style variation simply to avoid repeated use of the word "gay."

Offensive: "homosexual relations/relationship," "homosexual couple," "homosexual sex," etc.

Preferred: "relationship," "couple" (or, if necessary, "gay couple"), "sex," etc. Identifying a same-sex couple as "a homosexual couple," characterizing their relationship as "a homosexual relationship," or identifying their intimacy as "homosexual sex" is extremely offensive and should be avoided. These constructions are frequently used by anti-gay extremists to denigrate gay people, couples and relationships. As a rule, try to avoid labeling an activity, emotion or relationship gay, lesbian, or bisexual unless you would call the same activity, emotion or relationship "straight" if engaged in by someone of another orientation.

Offensive: "sexual preference"

Preferred: "sexual orientation" or "orientation" The term "sexual preference" is typically used to suggest that being lesbian, gay or bisexual is a choice and therefore can and should be "cured." Sexual orientation is the accurate description of an individual's enduring physical, romantic and/or emotional attraction to members of the same and/or opposite sex and is inclusive of lesbians, gay men, bisexuals, as well as straight men and women."

[Adapted from PFLAG 'Guide to Being an Ally

<https://www.pflag.org/sites/default/files/guide%20to%20being%20a%20trans%20ally.pdf>

and GLAAD 'Terms to Avoid' <https://www.glaad.org/reference/offensive>

And: Algonquin College Inclusive Terminology Glossary

Race and Ethnicity

Avoid generalizations and stereotyping based in race or ethnicity. Be respectful of all cultural backgrounds and be inclusive in recognizing the diversity of Ottawa and the Ottawa – Carleton Bar. Avoid identifying people by race, colour, or national origin, unless it is appropriate for context, and do not assume that a person's appearance defines their nationality or cultural background.

Capitalize the proper names of nationalities, peoples, races and tribes.

For example, *including but not limited to:*

- Indigenous Peoples, Métis, Cree, Inuit, Arab, Middle-Eastern, French-Canadian, Jewish, Latin, Asian.

Avoid singling out specific cultures or drawing undue attention to ethnic or racial background. When references are relevant and necessary, find the appropriate, accepted terminology and use the language preferred by the individual or group concerned.

Black is acceptable in all references to people of African descent. In the United States, African-American is used; in Canada, African-Canadian is sometimes used.

Note that black and white do not name races and are lowercase.

Be aware that some references can, often unintentionally, have negative racial connotations. Avoid vocabulary that carries hierarchical valuation or portrays groups as inferior, criminal, or less valued than others.

The term “black” is often used in words/phrases with negative implications – for example, black sheep, blackmail, black market, black magic – while white is often associated with purity and innocence. Avoid these terms.

The term “minority” may imply inferior social position and is often dependent on geographic location. Avoid generalizations and assumptions. If the term is needed, “minority ethnic group” is preferred over “minority group.” Visible minority is a term commonly used to refer to a person or group who are visibly not the majority group in a population or geographic area. It typically describes individuals/groups who are not white.

However, terms such as “visible minority” and “person of colour” are increasingly becoming more outdated and inaccurate. If relevant, use the following terms to describe persons or groups: “racialized person,” “member of a racialized group,” or “racialized group.”

Sexual Orientation

Respect the preferences of the individuals or groups concerned. Be mindful of the appropriate terms (for example, LGBTQ2S+ – lesbian, gay, bisexual, transgender, queer or questioning, and two-spirit) and be inclusive – where possible, use and seek out examples of same-sex partners or families and their lives and experiences. Avoid defaulting to umbrella terms such as gay or homosexual. Use of specific terms such as: lesbian, gay, bisexual, transgender, queer or questioning, and two-spirit, may be appropriate rather than using the umbrella term of LGBTQ2S+. Be aware that there are many differences between people who identify in these different groups. Note that two-spirit is specific and exclusive to certain Indigenous cultures

Use sexual orientation, not sexual preference.

As noted in the introduction, it is important to be mindful and respectful of in-group and out-group naming. “Queer” is an acceptable in-group term but is best used when referring to queer communities; however, avoid describing an individual as queer unless they have specified that this is how they identify.