

THE LAW SOCIETY OF SASKATCHEWAN

GENDER NEUTRAL COMMUNICATION GUIDELINES

(Adapted from the Gender-Neutral Language Policy
set out by the B.C. Gender Bias Committee, 1993)

I. INTRODUCTION

Language is a basic tool of communication, and the use of language is fundamental to the practice of law. Lawyers should be in the forefront of the use of gender neutral language.

1. to promote accuracy in legal writing and speech;
2. to meet current standards of professional integrity and responsibility;
3. to be consistent with legal norms of equality and non-discrimination in Canadian law.

(from *The Use of Non-Discriminatory Language in the Law*, Mary Jane Mossman, 73 Canadian Bar Review 347).

These guidelines are intended to raise awareness among members of the legal profession and their staff about the importance of gender neutral language and communications and to provide specific techniques for eliminating gender bias from all forms of communication.

II. OBJECTIVES

The basic objectives of a gender neutral communication policy are:

- to ensure fairness and equity by including the whole audience;
- to break down barriers to women's equal participation in the workplace and in society; and
- to prevent communications from being misunderstood or giving offence.

III. LANGUAGE CHOICES

False Generics

The so-called generics are perhaps the most controversial form of gender-biased language. Generics are nouns and pronouns intended to apply to both men and women. However, some "generics" are also male-specific in some situations, which can

cause ambiguity and exclude women. Studies demonstrate that, even without intending to, the use of male-specific generics provides mental images of males, not females.

Below is a discussion of common false generics and some suggested alternatives. This list is a guide, and is not intended to be exhaustive. For more detailed suggestions, consult *The Nonsexist Word Finder: A Dictionary of Gender-Free Usage* by Rosalie Maggio (Boston: Beacon Press, 1988).

1. Man

Previously, *man* was accepted to include all persons, but over the years it has begun to be used to exclude the female human. For many people, the generic use of *man* causes ambiguity. You can avoid this confusion by using gender-neutral generics to ensure that women are included and represented fairly in your writing and conversation.

Chairman. *Chairman* probably generates more discussion than any other gender-specific word. The gender-neutral alternative *chairperson* is not universally accepted; as many people object to its use as to chairman. Chair has emerged as the most accepted alternative in government, universities and business. There are also other alternatives to *chairman*, such as *convener*, *coordinator*, *moderator*, *president*.

What do you call “the chair”? When referring indirectly to the person chairing a meeting, use *the chair* (as in *The chair called a committee meeting for next Friday*). When addressing the chair directly, most people use *Madam Chair* or *Mr. Chair*, however, while perfectly appropriate in the context, madam is not seen by some as being gender-parallel to sir. As a result, alternatives to its use, such as *Ms. Chair*, have begun to emerge. It is acknowledged that reference to a person in a statutory position of Chairman, even though that person may be a woman, is legally accurate. However, the statutory term should be used only where it is necessary for legal accuracy.

2. He, his and him

Use of these pronouns for antecedents of unspecified gender excludes women and is not gender-neutral. Some people feel that the alternatives to “generic” he produce clumsy, unclear writing; this need not be the case. With a little thought and effort, you can write elegantly and avoid biased language. Some alternatives are more appropriate in certain situations than others. Your choice will depend on a number of factors, such as the tone you wish to adopt and the audience you are addressing. The main thing to remember is that your goal is twofold: to eliminate gender bias and to express yourself as clearly as possible. Below are some suggested alternatives:

(a) Use the plural

Recasting a sentence in the plural is often the best choice: **Not** - - *Each office manager should ensure he attends the meeting.* **Prefer** - - *Office managers should ensure they attend the meeting.*

If you do convert to the plural, avoid making the sentence ambiguous, as in the following example: **Singular** - - *The vice-president should ensure that the regional manager understands the policy before he attends the meeting.* **Plural** - - *Vice-presidents should ensure that regional managers understand the policy before they attend the meeting.*

You can re-order the sentence to eliminate ambiguity: **Prefer** - - *Before vice-presidents attend the meeting, they should ensure that regional managers understand the policy.*

(b) Eliminate personal pronouns altogether

Another useful technique is to eliminate sex-specific personal pronouns altogether; however, when you eliminate pronouns, you also remove any emphasis on gender, which may or may not be your intent: **Not** - - *Each applicant must submit his resume.* **Prefer** - - *Each applicant must submit a resume.*

(c) Use *she* or *he*

She or he (or *he or she*) has long been an acceptable substitute for “generic” *he*. Some people use it specifically to draw attention to the fact that they are including both women and men, as in the following example: *Each applicant must submit her or his resume.* Used sparingly, *he or she* and *she or he* are very helpful solutions; however, repeating them frequently throughout a passage will alienate even the most dedicated reader. Once per paragraph is more than enough.

(d) Use *you*

In some cases, you can avoid using *he* by addressing the reader directly. This is a good alternative when explaining how to do something: **Not** - - *Each driver must be sure to renew his automobile insurance yearly.* **Prefer** - - *Be sure to renew your automobile insurance yearly.*

(e) Use *one*

You can sometimes use *one* in place of a third-person pronoun. Bear in mind this usage will change the tone of your writing, making it more formal and distanced: **Not** - - *A consumer should compare prices before he buys groceries.* **Prefer** - - *As a consumer, one should compare prices before buying groceries.*

(f) Use a gender-neutral synonym

Use gender-neutral synonyms instead of repeating antecedent nouns, to void using *he*: **Not** - - *Every charitable organization has an executive director. He is responsible for the administration of the agency.* **Prefer** - - *Every charitable organization has an executive director. This official is responsible for the administration of the agency.*

(g) Use *they* as a singular pronoun

Singular *they* is accepted when used to refer to sex-indefinite antecedents like *any, anyone, each, every, everybody, everyone, nobody, no one, someone* and *somebody*. Here are some examples: **Not** - - *Nobody got his cheque on Friday.* **Prefer** - - *Nobody got their cheque on Friday.* **Not** - - *Everyone loves his dog.* **Prefer** - - *Everyone loves their dog.*

(h) Rewrite the sentence

If nothing else works, you might have to rewrite the sentence by combining a number of techniques, as in the following example: **Not** - - *When an editor revises a document, he usually marks his changes in pen or pencil.* You could restructure the sentence and delete the personal pronouns. *When revising a document, an editor usually marks changes in pen or pencil.* Or you could add a relative clause: *An editor who is revising a document usually marks changes in pen or pencil.*

3. Things to avoid when eliminating *he*

(a) Avoid using *s/he* or *(s)he* or any of their variants

Although these forms provide a quick solution, they are awkward and interruptive.

(b) Avoid repeating nouns

This technique produces tedious prose. If necessary, restructure or combine sentences: **Not** - - *The treasurer must draft the budget. The treasurer is also responsible for the agency's financial statements.* **Prefer** - - *The treasurer, who is also responsible for the agency's financial statements, must draft the budget.*

(c) Avoid using the passive voice to avoid *he* unless absolutely necessary

The passive voice is less direct than the active voice, it deletes the "doer" of the action, thereby causing ambiguity. It can also be wordy and cumbersome. **Active voice** - - *Before filing an appeal, each candidate should understand the correct procedure.*

(d) Avoid alternating gender-neutral and gender-specific terms for the same subject

For example, do not switch from *police officer* to *policewoman* or *policeman* unless there is a specific reason to refer to gender.

(e) Avoid alternating between “generic” *she* and “generic” *he*.

Using *she* in one paragraph, *he* in the next, and so on, is not recommended.

(f) Avoid using the male pronoun with a disclaimer to indicate that you intend it to include women too

This technique is illogical, because it advises readers to ignore what you have written. There are many other effective alternatives to *he*. Similarly, avoid using *men* (and *women*).

Women and Men as Equals

Parallel Treatment

Equality in language may take the form of parallel treatment for women and men, the inclusion of women, and the elimination of demeaning or stereotypical terms. Strive for overall gender balance in your written and spoken communications. Your audience is made up of both men and women, so you should address yourself to them equally. Use inclusive, rather than exclusive, language and use gender-marked terms fairly. Use an equal number of male and female hypothetical names or case studies. Also check for any other unintended bias.

1. Parallel language

Use parallel language when referring to the sexes. In forms of address, both in speaking and in writing:

Instead of:	Use:
men and ladies	men and women/women and men; gentlemen and ladies, ladies and gentlemen
man and wife	husband and wife/wife and husband
Miss Sorensen & Robert Tanaka	Mary Sorensen and Robert Tanaka

Mr. Tanaka and Mary	Tanaka and Sorensen; Robert and Mary; Mr. Tanaka and Ms. Sorensen
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2. Women as individuals

(a) Avoid portraying women in relationship to others rather than as individuals.

Do not identify a woman as somebody's wife, widow, mother, grandmother, etc., unless it is appropriate in context and you describe men similarly: **Not** - - *Dr. Jim Evans, a leading physicist, and his colleague Elizabeth Wong, widow of Larry Wong and mother of four, co-discovered . . .* **Or** - - *Dr. Elizabeth Wong and Dr. Jim Evans, pictured here with their families, took time out to . . .*

(b) Avoid the old social custom of referring to a woman by her husband's name

Many women choose to retain their own name rather than use their husband's: *Janet Schmidt, not Mrs. Ed Schmidt. Mr. and Mrs. Schmidt or Janet and Ed Schmidt, not Ed Schmidt and his wife, Janet.* However, the exception is if a woman specifically requests to be called by her husband's name.

Avoid generalizations that exclude women or assign gender to gender-neutral subjects: **Not** - - *Conference delegates and their wives are invited to attend the breakfast meeting.* **Prefer** - - *Conference delegates and their spouses are invited to attend the breakfast meeting.*

3. Word order

Putting men first in phrases such as *men and women, boys and girls*, gives the impression that women are afterthoughts or somehow less important than men. Alternate word order so that men do not always go first, e.g. *women and men, girls and boys*.

Ladies and Gentlemen continues to be commonly used in public speaking. However, many speakers now prefer to use truly generic terms such as *colleagues, delegates, members of the association*, to begin their speeches.

4. Passive constructions

Using the passive voice to describe women's actions, while reserving the active voice for men, is a subtle form of gender bias. The passive voice can give the impression that men do things and women have things done to them. Passive constructions can also be wordy and cumbersome, thus making your writing harder to read.

5. Courtesy titles

The practice of identifying women by their marital status began in the eighteenth century. Today, however, this custom is no longer considered necessary or appropriate. Eliminate all courtesy titles where possible; simply call people by their names - - e.g. *Theresa Desjardins and Donald Clark*, not *Miss Theresa Desjardins and Mr. Donald Clark*.

Ms. is the female equivalent of *Mr.* Like *Mrs.* and *Miss*, *Ms.* is an abbreviation of the obsolete social title of *Mistress*. It emerged in the 1940's as a marital-status-free alternative for women. If a situation calls for the use of a courtesy title, use *Ms.* (or *Mses.* for more than one woman). If a woman indicates that she prefers to be called *Mrs.* or *Miss*, follow her preference.

6. Salutations in letters

If a person has a professional or academic title, use it: e.g. *Dear Dr. Singh*, *Dear Professor Roberts*. If writing to a company or agency, address the letter to the chief executive officer personally by name or title rather than to the entire agency. You can thus avoid the general salutation problem. If writing a law firm and you wish to address both the firm and the individual, use *Dear Sirs and Madams, Attention: Jane Brown*.

(a) To one person (gender known)

Omit courtesy titles. Use *Dean Joan Wilson*, not *Dear Mrs. Wilson*; *Dear Howard Goldberg*, not *Dear Mr. Goldberg* (see section on Courtesy Titles above if a woman prefers to be addressed as *Mrs.* or *Miss*).

(b) To one person (gender unknown)

Use *Dear Sir or Madam* or *Dear Madam or Sir*, not *Dear Sir*. If you know a person's name and/or initials, but not their gender, omit the courtesy title: *Dear C.L. Carter* or *Dear Chris Carter*.

(c) To more than one person (gender known)

Use *Dear Mses. Rodriguez and Berstein* or *Dear Maria Rodriguez and Muriel Bernstein*; *Dear Messrs. Andersen and Leblanc* or *Dear Edward Andersen and Norman Leblanc*. (see section on Courtesy Titles above if a woman prefers to be addressed as *Mrs.* or *Miss*). When circulating a document, be consistent in the style you choose: **Avoid** - - cc: *Ms. Alice McKinnon, C. Carter, Carl Ellis, Miss Regina Rogers*. **Use** - - cc: *Alice McKinnon, Chris Carter, Carl Ellis, Regina Rogers*.

(d) To more than one person (gender unknown)

Use *Dear Colleagues (Members, Friends)*, not *Dear Sirs*; or use *Gentlemen and Ladies* or *Ladies and Gentlemen*.

7. Feminine suffixes

The addition of feminine suffixes: *-ess*, *-ette* and *-trix* to otherwise generic nouns distinguishes between the female and the generic, implying that the female is not ordinary. If it is accepted that the terms in the right hand column are generic, then they should be used for both men and women:

Instead of:	Use:	Instead of:	Use:
actress	actor	manageress	manager
administratrix	administrator	patroness	patron
authoress	author	sculptress	sculptor
aviatrix	aviator	usherette	usher
executrix	executor	waitress	waiter

8. Stereotyping

Some language reinforces stereotypes that trivialize and demean women's accomplishments. As a result, it can offend and alienate your audience. Stereotyped language can also be ambiguous, raising doubts in people's minds about what you really mean. The following suggestions will help you eliminate stereotyped language from your writing and speech:

(a) Biased or stereotyped terms

Do not refer to adult women as *girls*, *gals* or *ladies* in situations where you would call men *men*. *Woman* is the word that corresponds to *man*. (it can be appropriate to use *girls* in social situations where *boys* or *guys* would be used for men - - e.g. *bridge night with the girls*; *a night out with the boys*. But never assume that a women prefers to be called a "girl"). Do not refer to a group of women as *guys*, as in *I want to ask you guys for your input*. Delete *guys* or substitute *folks* or *people*.

Avoid using terms that make irrelevant assumptions about women or men, such as *my better half*, *feminine intuition*, *the fair sex*, *the little woman*, *masculine drive*, *the weaker sex* and *women's work*. Do not use *lady* or *woman* as adjectives - - as in *lady doctor*, *woman lawyer* and *woman driver* - - unless gender is relevant. Remember that language can also stereotype men, as in *male nurse*. Do not use *female* as a noun (as

in *Our new president is a female*) unless the corresponding word would be male, e.g. *The police arrested six females and two males*. Avoid using the adjectives *ladylike*, *manlike* and *manly*. They have many connotations depending on one's perception of such qualities. Choose adjectives that say exactly what you intend to say, such as *elegant*, *well-mannered*, *strong*, *courageous*.

(b) Description of women by their physical attributes

Focusing on a woman's physical appearance trivializes and demeans her accomplishments. Mention physical appearance only if the description would also be appropriate for a man. **Not** - - *Eric is a rocket scientist and his lawyer wife is a tall, stunning blond*. **Prefer** - - *Eric is a rocket scientist and Jennifer is a lawyer*.

(c) Demeaning or offensive terms

Avoid using offensive metaphors for women, such as *chick*, *broad*, *tomato* and *bimbo*. In the workplace "terms of endearment" for women, such as *dear*, *honey* and *sweetie* are inappropriate.

(d) Personifying objects as women

Personification tempts writers and speakers to use supposedly gender-linked qualities when describing something, rather than more accurate terms. **Not** - - *The M.V. Up-Island had been in the fleet for 30 years. She was a proud old vessel*. **Prefer** - - *The M.V. Up-Island had been in the fleet for 30 years. It was a proud old vessel*.

Other Considerations

Consideration should be given to situations where gender neutral language is not appropriate. For example, women's groups have been fighting against using the terms "spousal assault" to prevent the neutralizing of this essentially male crime. Because it is women who are assaulted, the gender specification term "wife assault" is viewed as the appropriate one to use. Fictitious characters found in precedents or fact scenarios should alternate between women and men unless the result does not reflect real world situations or is too artificial.

In addition, the language used in the courtroom and the manner in which we treat women litigants, witnesses, and lawyers is also important. Chapter 4 of the *Gender-Neutral Language Policy* of the B.C. Gender Bias Committee, 1993, contains a number of subsections that address topics related to gender neutral language in the courtroom, i.e. credibility of witnesses and litigants, courtroom treatment of women from minorities, and gender-biased behaviour toward women lawyers. A Court Conduct Handbook drafted for the Massachusetts Supreme Court is also available.

IV. VISUAL COMMUNICATIONS

The principles which underlie gender-neutral guidelines for written and spoken material apply to visual communications as well. Women and men should be portrayed as equals rather than having roles and characteristics assigned on the basis of gender or traditional stereotypes. Women should be depicted not only as having equal professional opportunities, but as actually being in positions of authority and achieving success in a wide variety of endeavours. It may not be possible to achieve an exact numerical balance of men and women in each photograph, illustration, cartoon or video segment; but it is equally important the total presentation balance the portrayal of women and men:

- as equal and active participants in all aspects of life at home, in the workplace, in school, in public life and in the community;
- as being of various ages and ethnic origins, and of differing physical attributes;
- in non-traditional and non-stereotyped roles - - e.g. women in technical or financial positions; men as nurses or secretaries;
- in positions at all levels of authority and of comparable status;
- as being successful in a variety of endeavours, e.g. career, home, education, community, public life; and
- in equal numbers.

Avoid conveying unintentional or subliminal messages about women. Show women:

- in postures, expressions, gestures and clothing that convey equal status and authority; and
- as being businesslike and serious.

V. AUDIO AND ORAL COMMUNICATIONS

Audio and oral communications - - whether on their own or as part of a visual presentation - - should be guided by the same principles of fairness as written materials. In addition, when preparing speeches, seminars and audio-visual voice-overs, remember to:

- use women as interviewers, interviewees and speakers at events;
- use female voices as often as male voices in voice-overs, regardless of subject matter; and

- ensure that dialogue and style of expression convey equal status and authority when alternating between male and female voices.

SUGGESTIONS FOR GENDER NEUTRAL WORD CHOICES:

Instead of:	Use:
businessman	business executive, business person * (businessman and businesswoman, appropriate if used gender-fairly)
cameraman	camera operator
career woman	professional business executive
chairman	chair, chairperson*
cleaning lady	cleaner, housekeeper, janitor, cleaning person*, house cleaner
clergyman	cleric (or use specific term, e.g. preacher, bishop)
co-ed	student
draftsman	drafter, drafts person*
early man, primitive man	early peoples, primitive humans
feminine intuition	instinct
fireman	firefighter
foreman	supervisor, chief, lead or head supervisor
girl Friday	assistant, secretary
handyman	caretaker, repairer (handyman and handywoman appropriate if used gender-fairly)
housewife	homemaker
Kelly Girl	office temporary

lady like, manly, manlike	elegant, well-mannered, strong
mailman	letter carrier
man	human beings, people, individuals
man (verb)	staff, operate, serve at/on
man-days	worker-days
mankind	humankind, people, human being, humanity
man-hours	worker-hours
man-made	synthetic, artificial, handmade
manpower	staff, employees, human resources, personnel
matron	caretaker
middleman	go between, intermediary
newsman	reporter, journalist (or be specific, e.g. columnist)
policeman	police officer (policeman and policewoman appropriate if used gender-fairly)
repairman	repairer, technician (or be specific, e.g. mechanic)
salesman, salesgirl, saleslady	sales clerk, sales representative, salesperson* (salesman and saleswoman appropriate if used gender-fairly)
spokesman	spokesperson* (spokesman and spokeswoman appropriate if used gender-fairly)
sportsman	sports lover, sports enthusiast (sportsman and sportswoman appropriate if used gender-fairly)
stewardess	flight attendant
tradesman	tradesperson* (tradesman and tradeswoman appropriate is used gender-friendly)
waitress/waiter	server

watchman	watch, security guard
women's libber	feminist
working woman	woman who works outside the home
workman	worker

*some people feel that - - person words sound contrived and awkward - - bear this in mind if you choose to use them. Whenever possible, try to find another alternative.

STEREOTYPICAL PHRASES THAT SHOULD BE AVOIDED:

the fair or weaker sex
the little woman
woman's work
woman's place
lady doctor
lady lawyer
woman driver
male nurse

REFERENCE GUIDE

The following publications may be useful as additional and more extensive resources:

- *The Use of Non-Discriminatory Language in the Law*, by Mary Jane Mossman (an article prepared for some Canadian Bar Association materials)
- *Communication Guide for Alberta Bar Admission Course Instructors & Alberta Bar and Admission Materials Gender Neutral Language Guidelines*
- *The Handbook of Nonsexist Writing for Writers Editors and Speakers*, Barnes & Noble Books (a Division of Harper & Row), 1980
- *Words that Count Women In*, Ontario Women's Directorate, 12th Floor, 2 Carlton Street, Toronto, M5B 2M9
- *International Association of Business Communicators Without Bias: A Guidebook for Nondiscriminatory Communication* (2nd. ed.) Toronto: John Wiley & Sons, Inc., 1983
- *Saskatchewan Public Service Commission. A Sense of Balance.* Regina: Saskatchewan Public Service Commission, undated
- Frank, Francie Wattman, and Paula A. Treichler. *Language, Gender and Professional Writing: Theoretical Approaches and Guidelines for Nonsexist Usage.* New York: Modern Language Association of America, 1989.
- Maggio, Rosalie. *The Nonsexist Word Find: A Dictionary of Gender-Free Usage.* Boston: Beacon Pres, 1988
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- Canadian Advisory Council on the Status of Women. *Guidelines for Non-Sexist Writing.* Ottawa, 1984
- Spender, Dale. *Man Made Language.* London: Routledge and Kegan Paul, 1980.