



Diversity and Inclusion in Our Unions

Transgender and Gender-Expansive Rights
Are Human Rights

November 2019





The National Union of Public and General Employees (NUPGE) is a family of 13 Component unions. Taken together, we are one of the largest unions in Canada. Most of our 425,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

The office of the National Union of Public and General Employees is on the traditional and unceded territory of the Algonquin peoples and is now home to many diverse First Nations, Inuit, and Métis peoples.

We recognize the crimes that have been committed and the harm that has been done and dedicate ourselves as a union to moving forward in partnership with Indigenous communities in a spirit of reconciliation and striving for justice.

Bert Blundon, President

Jason MacLean, Secretary-Treasurer



Protections for Gender Identity and Gender expression in Canada

Canada has made some strong legislative gains in enshrining the rights and protections of gender-expansive people, often referred to as people who are transgender or gender non-conforming.

The most recent gain was the 2017 amendments to the *Canadian Human Rights Act* and the *Criminal Code*. The importance of this legislation cannot be understated. In the words of Marie-Claude Landry, Chief Commissioner of the Canadian Human Rights Commission,

this is a historic moment for trans rights and for human rights in Canada. Today, we join the thousands of human rights advocates, trans individuals, families and children across Canada, as we welcome and celebrate the passage of Bill C-16.

This achievement is the result of the hard-fought battle of trans advocates, human rights groups, and Parliamentarians, who have repeatedly called for this important, and much needed change, to be made to the Canadian Human Rights Act.

At last, with the addition of this new ground—“gender identity or expression”—the rights of trans individuals in Canada will be clear, undeniable and explicitly protected.¹

There are a few terms that people need to understand when discussing rights and protections for transgender and gender-expansive people. According to the Ontario Human Rights Commission:

Gender identity is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person’s sexual orientation.

Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender.

Trans, or transgender, is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms. It includes, but is not limited to, people who identify as transgender: transgender women (male-to-female), transgender men (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer.²

Transgender and gender-expansive people are valued members of our communities. They are our family members, our neighbours, and co-workers. The human rights legislation in most provinces and territories now has explicit protection against discrimination and harassment of people on the basis of their gender identity and gender expression.

These protections are most frequently accorded around discrimination or harassment in employment, housing, facilities, services, contracts, and membership in unions, trade associations, or professional associations.

The National Union and its Components assert that it is everyone's right to realize their own gender identity, and that transgender people must be recognized for who they are, and treated according to their gender identity, regardless of legal status, or whether they have undergone surgery.

Transphobia and Mental Health

Despite some progress in recent years, transgender and gender-expansive people are frequently the target of discrimination, harassment, and violence due to misinformation and outdated societal norms and attitudes regarding gender. The statistics regarding harassment and violence directed at transgender and gender-expansive people provide serious cause for concern.

In everyday life, trans people experience the effects of living in a society in which stigma and discrimination against trans people are common. In addition to instances of discrimination and violence that would constitute human rights violations, trans Ontarians nearly universally report that they have experienced some type of "everyday transphobia." For example, 96% had heard that trans people were not normal, 73% had been made fun of for being trans, and 78% reported their family had been hurt or embarrassed. These daily indignities can take their toll; 77% worried about growing old as a trans person, and 67% feared they would die young.³

The impact of this transphobia can be devastating on an individual's physical and mental health and well-being. In particular, the effect on young people can be deadly. According to the Canadian Trans Youth Health Survey, close to 70% of transgender youth had considered suicide within the previous 12 months, a statistic that far exceeds the national average.⁴

Other key findings of the survey include⁵

- 83% of participants lived in their "felt gender" at least part-time; half lived in their felt gender full-time. Those who lived in their felt gender all the time were almost 50% more likely to report good or excellent mental health.
- Nearly two-thirds of youth reported self-harm within the past year. More than 1 in 3 had attempted suicide.

- 70% of participants reported sexual harassment. Two-thirds reported discrimination because of their gender identity.
- More than 1 in 3 of the younger participants (ages 14–18) had been physically threatened or injured in the past year.
- 1 in 3 youth did not have an adult in their family they could talk to about problems, and 7 in 10 felt their family did not understand them. When they felt cared about and supported by family, they reported better health.
- Only 15% of youth with a family doctor report feeling comfortable discussing their transgender-specific health care needs.
- One-third of youth ages 14–18, and half of youth ages 19–25, reported missing needed physical health care during the past year, and even more missed needed mental health care.

Canada’s health care system is a specific area of concern with regard to supporting the right to gender identity and expression. There is currently no universal way for Canadians to access gender-affirming surgery.

Some provinces require patients to travel out of province for psychological assessments, and then again to undergo procedures. This is due to a shortage of surgeons and other front-line medical staff trained to handle these requests in each province. This puts strain on the facilities that offer assessment and on those that perform gender-affirming surgical procedures and causes huge wait times, which in turn puts strain on those seeking assessment and surgery.

Additionally, some psychological assessments and surgeries deemed cosmetic are not covered by health care. People with low-income, or who live in rural Canada, face even bigger barriers, as expenses related to travel are frequently not covered. But all Canadians seeking gender-affirming surgeries are impacted, as long wait times and high costs negatively affect their mental health and quality of life.

Transphobia in Institutions

In some cases, we have seen a rollback of progress regarding gender identity and expression. In 2015, the Ontario Liberal government, led by Kathleen Wynne, completed the first major overhaul of the health and physical education curriculum since 1998. The new curriculum, supported by the majority of educators, included lessons addressing online bullying and sexting, as well as topics such as same-sex relationships and gender identity.

In July 2018, however, the Ontario Progressive Conservative government, led by Doug Ford, announced that it was scrapping the modernized version and reverting to the 1998 curriculum. The 1998 curriculum is woefully out of date for the current reality facing students, and makes no mention of any sexual orientation apart from heterosexual, any gender identities other than cisgender, and ignores the topics of masturbation, sexting, cyberbullying, sexual assault, and consent. The Ford government’s decision to revert to the

1998 curriculum was especially egregious, given that in 2018 Scotland announced it would become the first country in the world to embed the teaching of LGBTQI2S rights in the school curriculum. Their curriculum covers topics such as the history of LGBTQI2S movements, fighting homophobia and transphobia, and exploring LGBTQI2S identities.

Removing all lessons and mentions of sexualities and gender identities sends a clear message that anything other than straight and cisgender is not acceptable in Ontario. Not only does it ignore transgender and gender-expansive individuals, but it actively puts these people at greater risk for harm, as education is one of the greatest tools to combat hatred and ignorance.

It was only after severe pushback online, and through protests attended by members of the LGBTQI2S communities and allies, that the Ford government walked back some of the changes and published a new curriculum in August 2019. It should be noted that the government mandated each school board to develop a policy/procedure allowing parents to exempt their child from instruction of the human development and sexual health education component of the elementary Health and Physical Education curriculum.⁶ The mere fact that the 1998 curriculum was viewed as a usable teaching tool in 2018 shows how much work still remains in educating Canadians about gender identity and gender expression.

There are many ways in which transgender and gender-expansive individuals face discrimination and microaggressions in their everyday lives. The simple act of having to register a gender on passports is dangerous for transgender individuals. While we applaud the federal government for attempting to be more inclusive by allowing individuals to designate their gender as X on federal documents, individuals with this designation may be in danger when traveling outside of Canada.

As so many of our members work as public service providers, it's important to recognize how we can decrease discrimination and anxiety for transgender and gender-expansive people. Common courtesies like "good morning, ma'am/sir" may be unintentionally harmful. We urge our members to think about the way they communicate, to educate themselves on common mistakes of assuming gender identity, and to switch to gender-neutral language whenever possible.

The National Union and its Components are deeply committed to removing the barriers transgender and gender-expansive individuals face within workplaces, our own organizations, in Canada and around the world. This must also include the provision of necessary supports for gender-expansive individuals to access any necessary medical and counseling assistance they seek in order to live full and complete lives.

All people deserve to be treated with dignity and respect and enjoy full equality of rights and freedom from discrimination, harassment, and violence.

What Can Unions Do?

Though often hailed as a progressive country in regard to LGBTQI2S rights, Canada still has steps to take to ensure true equality for Canadians of all gender identities.

Unions can help by taking the following actions:

Insist that all levels of government increase training opportunities for family doctors and mental health professionals to remove any discomfort transgender and gender-expansive individuals have in discussing their physical and mental health.

Demand that provincial governments remove barriers to gender-affirming surgeries by increasing training opportunities for surgeons and other front-line medical staff so assessments and surgeries can be offered in more locations.

Call on the federal government to increase both medical and non-medical funding to support citizens as they transition.

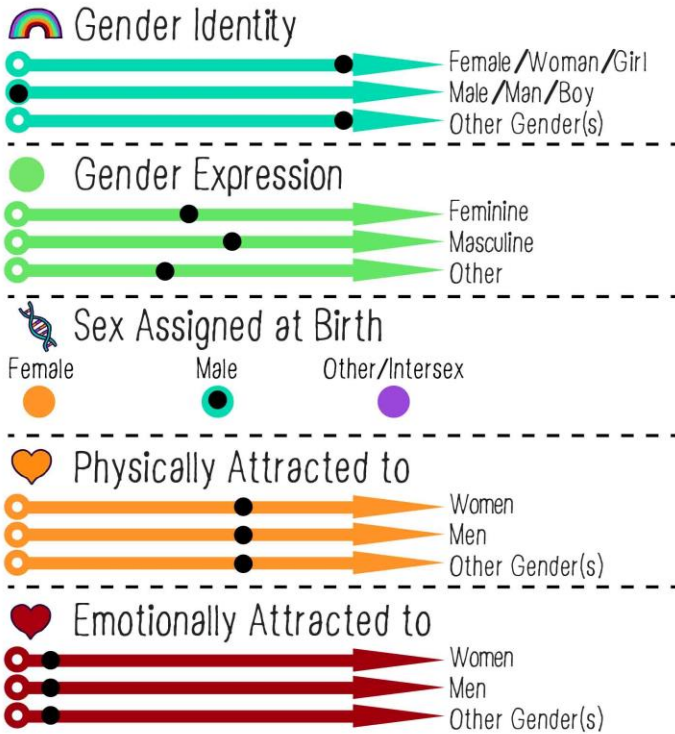
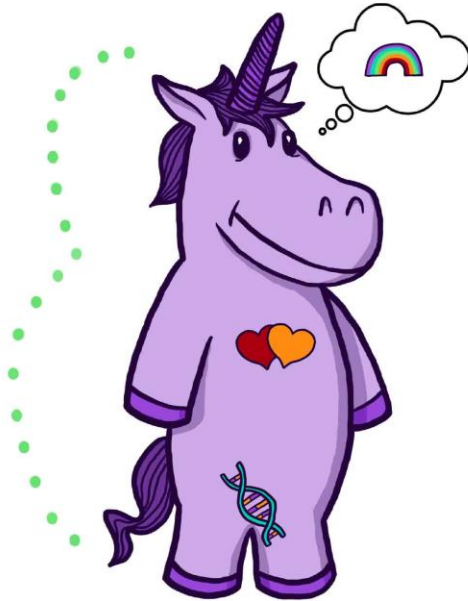
Demand that the federal and provincial governments universally ban any type of reparative or conversion therapy.

Insist that all provincial governments follow in Scotland's footsteps and incorporate LGBTQI2S topics into social science curriculums, as well as into health and physical education curriculums.

Share teaching tools like The Gender Unicorn and other resources developed by members of the LGBTQI2S communities to help increase understanding on the topics of gender identity, gender expression, sex assigned at birth, physical attraction, and emotional attraction.

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan and Anna Moore

Notes

- 1 <https://www.chrc-ccdp.gc.ca/eng/content/statement-trans-rights-are-finally-human-rights-canadian-law>
- 2 <http://www.ohrc.on.ca/en/gender-identity-and-gender-expression-brochure>
- 3 <http://transpulseproject.ca/wp-content/uploads/2015/06/Trans-PULSE-Statistics-Relevant-for-Human-Rights-Policy-June-2015.pdf>
- 4 <http://www.saravyc.ubc.ca/2018/05/06/trans-youth-health-survey/>
- 5 Ibid.
- 6 <https://www.ontario.ca/document/health-and-physical-education-grades-1-8#section-2>
- 7 <http://www.transstudent.org/gender>