



May 17, 2016

Via email: premier@gov.bc.ca

Premier Christy Clark
West Annex
Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier Clark,

Re: Bill M-222 Human Rights Code (Recognition of Gender Identity and Gender Expression) Amendment Act, 2016

We write to urge you to take action to pass Bill M-222 *Human Rights Code (Recognition of Gender Identity and Gender Expression) Amendment Act, 2016*. The intent of Bill M-222 is to:

- support the ongoing evolution of the term sex in human rights legislation by formally recognizing that the term is intended to include protection for gender identity and gender expression;
- affirm the rights of persons who are transsexual, transgender, intersex, genderqueer, non-binary, and other groups who routinely suffer discrimination based on the expression of their gender or the gender identity they experience; and
- reaffirm the government of British Columbia's broad and inclusive approach to protecting the rights and dignity of all people.¹

Trans² people in BC face extreme levels of poverty, violence, stigma and discrimination. One in five trans people report experiencing physical or sexual assault due to their identity, and one in three have been subjected to verbal threats and harassments. They experience high rates of unemployment and one in five report being refused housing because of their gender identity or expression.³ Trans women may face heightened systemic discrimination because of intersecting aspects of their identity.

¹ Bill M-222, Explanatory Note.

² "Trans" is being used as an umbrella term to include a range of identities including transgender, intersex, genderqueer, non-binary, transsexual and other groups who routinely suffer discrimination based on the expression of their gender or the gender identity they experience.

³ Poverty Reduction Coalition, "Poverty is a Queer and Trans Issue," online: http://bcpovertyreduction.ca/wp-content/uploads/2014/08/2013_prc-lgbqt-poverty-factsheet.pdf.

The need to expressly and unambiguously confirm the dignity and worth of trans people is clear. While decision-makers may be interpreting “sex” to include gender identity and gender expression, Bill M-222 provides an important opportunity to express clear legislative intent for a broad and inclusive interpretation of “sex”. Such important protections should not be left to the discretion of individual decision-makers.

The Bill also provides an important opportunity to educate the public about the importance of the rights of trans people and that it is illegal to discriminate against them. The legislated purposes of the *Human Rights Code* include:

- fostering a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;
- promoting a climate of understanding and mutual respect where all are equal in dignity and rights; and
- preventing discrimination prohibited by this *Code*.⁴

In order to support all three of these purposes, people who read the *Code* must easily understand that the rights of trans people are protected and that discrimination against them is prohibited. This is particularly important because the vast majority of incidences of discrimination are settled without litigation. Few cases lead a human rights complaint, and even fewer result in a decision from the BC Human Rights Tribunal. As a result, relying on the interpretations of decision-makers in cases that lead to a Tribunal decision in order to educate the public about the human rights of trans people and prevent discrimination is inadequate. Bill M-222 offers transparent and easily understood protections that support the promotion of a climate of understanding and mutual respect that can prevent discrimination.

To date, Alberta, Saskatchewan, Manitoba, Ontario, Newfoundland and Labrador, Nova Scotia, Prince Edward Island and the Northwest Territories have all taken steps to expressly recognize the human rights of trans people and prohibit discrimination on the basis of gender identity and/or gender expression. We urge you to take leadership on behalf of BC by taking immediate action to pass Bill M-222.

Yours truly,



Kendra Milne, Director of Law Reform
West Coast LEAF

⁴ *Human Rights Code*, RSBC 1996, c 210, s 3.