

# 2SLGBTQI+ Rights

See also: Human Rights



Youth in 2SLGBTQI+ communities often have specific legal concerns. This pamphlet will cover:

- 2SLGBTQI+ Human Rights & Discrimination
- Inclusion and Spaces
- Gender Markers on Identification

# 2SLGBTQI+ RIGHTS

## What are Human Rights?

Human rights are fundamental rights inherent to all human beings, ensuring equality, dignity, and freedom from discrimination. These rights apply to people with various characteristics and circumstances, including those who identify within 2SLGBTQI+ communities.

## What is discrimination?

Discrimination is when someone is treated unfairly or unequally because of who they are or because of their circumstances.

## What rights does the Ontario Human Rights Code set out?

The Ontario Human Rights Code protects against discrimination on a number of **“grounds,”** including:

- Sexual orientation
- Gender identity
- Gender expression

This protection applies in the following **“social areas”**:

- Employment
- Housing, eg. renting an apartment
- Goods, services, and facilities, eg. stores, schools, hospitals, police, and child welfare
- Contracts, eg. agreement to buy a cell phone or plan
- Membership in a union or a professional association for your job

There are also other pieces of legislation that protect your rights, including the:

- Child, Youth and Family Services Act
- Education Act
- Canadian Human Rights Act

# GENDER IDENTITY & EXPRESSION

## What do these protected “grounds” mean?

- **Sexual Orientation** refers to a person’s identity in relation to the gender or genders to which they are attracted to and want to have relationships with. This includes gay, lesbian, straight, bisexual, and asexual.
- **Gender Identity** is each person’s internal and individual experience of gender. It is a person’s sense of being a woman, a man, both, neither, gender fluid or anywhere along the gender spectrum.
- **Gender Expression** is the way a person publicly presents their gender, typically through their appearance, dress and behaviour.

## What about a person who is transgender?

A person who is transgender refers to a person whose gender identity is different from the sex they were assigned at birth. Everyone has the right to define their own gender identity.

## Examples of discrimination:

- Being fired from your job because you are gay.
- Insulted, mistreated, ignored or excluded from school activities because you go by they/them pronouns.
- Refusal by the doctor to use your chosen, gender identity-affirming name and purposefully referring to you with your dead (birth-assigned) name.
- Removing or banning you from a gender segregated space that best aligns with, or best meets the needs of, your gender identity and/or gender expression.

# INCLUSION & SPACES

## **Accommodations in spaces and public services**

Under the Human Rights Code, there is a legal duty to accommodate the needs of people based on their gender identity or gender expression. This means making changes or special arrangements to help someone be treated fairly.

You should be accommodated unless it's too difficult, expensive or unsafe. This is called "undue hardship". If someone says they can't accommodate you because of this, you should speak to a lawyer.

## **Does my school have to accommodate me?**

Yes, schools must promote and make accommodations to ensure a positive school climate that is inclusive and accepting of all students. This includes the right to create and have a Gender and Sexuality Alliance (GSA) group in school. They may also be known as Queer-Straight Alliance, Pride Alliance, or other name that your group chooses.

## **Can I use the gender segregated space of my choice?**

Yes, you have the right to use the gender segregated space that corresponds with, or best meets your needs in relation to your gender identity. Examples: change rooms, washrooms and sports teams.

Alternative accommodations, such as a separate all-gender washroom or changeroom, are within your legal right to request. However, an alternative accommodation cannot be forced on you. You have a right to use the gender segregated space that best meets your self-identified needs in relation to your gender identity.

# MAKING A DISCRIMINATION CLAIM

## **How do I make a claim of discrimination?**

For information about making claim, visit the Human Rights Tribunals Ontario (HRTO) website. They have information about the process, what to expect, and an online application form: [tribunalsontario.ca/hrto/](http://tribunalsontario.ca/hrto/)

You can also call the HRTO if you have questions about the process and to have a form mailed to you:  
416-326-1312 or 1-866-598-0322

## **Where can I get support for making a claim to the HRTO?**

You have the right to hire a lawyer or paralegal to represent you.

You can also visit the Human Rights Legal Support Centre (HRLSC) website, [hrlsc.on.ca](http://hrlsc.on.ca), to complete a questionnaire to determine whether you will be able to pursue legal steps through them. Their website also contains rights information and how-to guides on the claims process. You can also call them: 416-597-4900 or 1-866-625-5179

You can also ask someone you trust (friend, family member, or support worker) to go with you to mediation or the hearing to take notes and support you.

\* See also our pamphlet on Human Rights

# GENDER MARKER CHANGE

## How do I change the sex designation on my identification?

**The first step** is to make the change on your Ontario birth registration and birth certificate. If you were born elsewhere, check if that jurisdiction allows for this change.

If you are 15 or under, you will apply as a child and need:

- Written consent from yourself and of all persons with legal custody of you
- Proof of notice to all persons with legal access to you
- A letter signed by a physician or psychologist that supports your requested change

If you are 16 or 17, you can apply as a child (as above) or as an adult. To apply as an adult, you will need:

- A statutory declaration from yourself
- A letter signed by a physician or psychologist that supports your requested change

**Forms** are available from Service Ontario:

- [www.ontario.ca/page/changing-your-sex-designation-your-birth-registration-and-birth-certificate](http://www.ontario.ca/page/changing-your-sex-designation-your-birth-registration-and-birth-certificate)
- Or call for forms to be mailed to you: 1-800-461-2156

**The next step** is to update your your Provincial ID:

- Driver's Licence: [www.ontario.ca/page/renew-drivers-licence#section-6](http://www.ontario.ca/page/renew-drivers-licence#section-6)
- Photo ID card: [www.ontario.ca/page/ontario-photo-card#section-9](http://www.ontario.ca/page/ontario-photo-card#section-9)

# YOUR NOTES

## **FOR HELP FINDING A LAWYER:**

**Human Rights Legal Support Centre**  
1-866-625-5179, [www.hrlsc.on.ca](http://www.hrlsc.on.ca)

**Justice for Children and Youth**  
For young people under 18 & homeless youth  
under 25: 416-920-1633 or 1-866-999-5329  
[www.jfcy.org](http://www.jfcy.org)

**Community Legal Clinics:** [www.legalaid.on.ca](http://www.legalaid.on.ca)  
Locate and contact the clinic closest to you

**Law Society of Ontario's Referral Service:**  
[www.lso.ca](http://www.lso.ca), receive up to 30 min free advice

## **OTHER SERVICES:**

**Kids Help Phone:** Phone and online support  
1-800-668-6868, [www.kidshelpphone.ca](http://www.kidshelpphone.ca)

**LGBT YouthLine:** Phone and online peer support  
1-800-268-9688, [www.youthline.ca](http://www.youthline.ca)

**Friends of Ruby:** Phone/online counselling,  
transitional housing, drop-ins and other services,  
1-844-443-4253, [www.friendsofruby.ca](http://www.friendsofruby.ca)

This pamphlet gives general information only.  
Speak to a lawyer about your situation.



This publication is also available in French upon request.  
Cette publication est également disponible en français sur demande.