



Hamilton – Wentworth Family Action Council

DEDICATED TO PRESERVING FAMILY VALUES

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Presentation to the City of Hamilton Emergency and Community Services Committee:

**Opposite Biological Gender Usage Of
Washrooms, Change Rooms and Shower Facilities
In the City of Hamilton**

(Speaking Lines)

Date: December 10, 2012

Time: 1:30 pm

**Location: Council Chambers
Hamilton City Hall**

Good afternoon and thank you for this opportunity to present to you today regarding the matter of Opposite Biological Gender Usage of Washrooms, Change Rooms and Shower Facilities in the City of Hamilton.

It was on October 4th of this year that the Toronto District School Board announced that ,

“Students may use the washroom of their choice and to question them about their action would be against their human right.”

For many this policy was shocking and very hard to digest. Whatever were they thinking?

Our Family Action Council felt compelled to act here in the City of Hamilton in advance of such policy being considered in our municipality.

Consider some evidence:

- 1) November 14, 2012 – The Hamilton-Wentworth Family Action Council spoke with Hamilton Police Services regarding what action they would take upon a male entering a female washroom.

The desk officer stated that in his view of this, he would charge the offender under the ‘Trespass to Property Act’ and that this could include arrest and a fine. The signage on washroom doors is a sign prohibiting opposite gender usage.

- 2) History has supported separate male and female facilities. Affording females a facility that provides a sense of security and safety when they must disrobe was important historically and remains vital today. Nothing has changed in this regard.

Consider Some Questions and Thoughts:

- 1) Does instituting by-laws and policies which permit biologically opposite gender entry and usage of washrooms, change rooms and showers increase the sense of safety and security in such facilities or does it decrease the sense of safety and security?
- 2) When considering any public safety matter, should the policy be designed to protect public safety as a whole or should it prioritize the feelings of individuals at the risk of public safety?

- 3) If a girl or any female is physically assaulted, harassed or photographed by a male while disrobed in a female facility, how will the courts perceive the City's responsibility for protection of females in such situations?
- 4) Will all public washrooms, change rooms and shower facilities require round the clock police protection to ensure safety?
- 5) Would the permission to enter and use opposite gender facilities encourage sexual predators to enter?
- 6) Will adolescents be tempted to enter and use opposite gender facilities simply for the thrill of such adventure?
- 7) The needs for transgendered or any persons feeling uncomfortable in standard public washroom facilities may be addressed by increasing the availability of single person washrooms in new facilities and buildings where major renovations are taking place. Combine this with clear by-laws and policies limiting admission to gender-identified facilities to people of that biological gender and the result will be that City Council will discourage sexual predators while clarifying and improving levels of safety in public facilities.
- 8) The Ontario Human Rights Code does provide guidelines when dealing with the issue of section 1 and equal treatment with respect to services and facilities.

It reads

20. (1) The right under section 1 to equal treatment with respect to services and facilities without discrimination because of sex is not infringed where the use of the services or facilities is restricted to persons of the same sex on the ground of public decency. R.S.O. 1990, c. H.19, s. 20 (1).

Would Hamilton City Council use section 20, to support public safety and the concept of public decency in passing policies and by-laws limiting access to washrooms, change rooms and shower facilities to the biological sex labelled on the facility doors?

The very real ramifications of permitting opposite gender entry and usage of public washrooms, change rooms and shower facilities are serious and overwhelming with a tremendous ability for harm and no sense of good when considering public health and safety.

Recognizing the above to be true, Hamilton-Wentworth Family Action Council requests that the City of Hamilton:

- 1) In co-operation with Hamilton Police Services and the legal department, review all relevant by-laws and policies to ensure that they clearly prohibit opposite biological gender entry and usage of washrooms, change rooms and shower facilities. (Except in cases where a young child must enter in the care of a parent, in cases of medical or mechanical emergency, or for routine cleaning where notices are posted).
- 2) These by-laws, like no smoking by-laws, must apply not only to City of Hamilton owned and operated facilities but to all businesses and facilities offering services to the public within the City of Hamilton.
- 3) Send a clear message that trespassers will be prosecuted.

All of the above we respectfully submit and do hope that City Council will focus specifically on ensuring public safety regarding this issue.