



HIV & AIDS Legal Clinic Ontario

1400 - 55 University Avenue, Toronto, Ontario M5J 2H7

**Sent by email**

6 March 2017

Councillor D. Skelly, Chair  
Audit, Finance and Administration Committee  
City of Hamilton

c/o Loren Kolar, Legislative Assistant

Dear Councillor Skelly and Members of the Committee:

**Re: Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons (HUR17002)**

The HIV & AIDS Legal Clinic Ontario (HALCO) urges the City of Hamilton to adopt *Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons (HUR17002)* ('the Protocol'). In doing so we recognize and support the efforts of the transgender woman who asserted her rights to be treated with dignity and without discrimination under Ontario's *Human Rights Code*. We also recognize the longstanding work transgender and gender non-conforming people in Hamilton to be treated equally and without discrimination.

HALCO is a charitable not-for-profit community-based legal clinic that has since 1995 provided free legal services for people living with HIV who live in Ontario. We are funded by Legal Aid Ontario, the AIDS Bureau of the Ontario Ministry of Health and Long-Term Care, and other sources including corporate, foundation, and individual donors. As an independent non-governmental organization, HALCO has a membership and a voluntary Board of Directors. We believe that people living with HIV face unique legal problems that affect their well-being, and that people living with HIV are best-equipped to make choices regarding the legal issues affecting them.

The explicit recognition in the *Human Rights Code* since 2012 of the prohibited ground of discrimination of gender identity and gender expression was a crucial step in addressing the thoroughgoing direct and indirect discrimination faced by transgender people in Ontario. Such marginalization has had a devastating and detrimental on the health and human rights of transgender people. The social, economic and legal marginalization of transgender people are longstanding and ongoing. Unfortunately, as was the case in the City of Hamilton, the personal

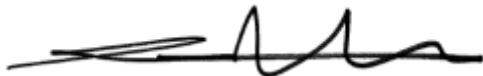
costs of securing rights protected under the *Human Rights Code* are borne disproportionately by an individual or group of people.

Access to justice and legal services as well as broader experiences of justice in day-to-day life and in society, have unquestionable impact on the health and well-being of trans people. Since 2014, HALCO has been one partner in a project entitled, *TRANSforming Justice: Legal Needs of Trans People in Ontario*. The project team includes lived, legal, academic and community-based research expertise in trans issues. In 2016, the project team conducted an online survey of 232 trans Ontarians and series of 13 focus groups (plus individual interviews) among trans Ontarians. The project team found that, overall, that legal needs within trans communities far exceeded those observed within broader Canadian society, with evidence of effects on health and well-being. Among those with legal problems in the past three years, 66% reported experiencing mental/emotional health issues as a result, with 51% similarly reporting social and family problems, and 29% physical health issues. Twenty-five percent of respondents agreed that they knew where to go to get trans-competent legal services; 19% knew where to get trans-competent legal services for HIV-related issues.

The City of Hamilton's Protocol for Gender Identity and Gender Expression (HUR17002) has the potential to play a vital supporting role in addressing some of the legal and related health needs of trans people in Hamilton. However, in order to fulfill its promise, the City of Hamilton must ensure that sufficient human and other resources are dedicated to communication and implementation of the Protocol. We encourage the City of Hamilton to ensure that ongoing support, resources and education are made available to all employees, management and departments through the Human Rights, Access and Equity section in the Human Resources Division. We also strongly encourage the City of Hamilton to continue on an ongoing basis to consult with members of Hamilton's trans community and to take a pro-active role in communicating the City's respect for human rights of Trans Hamiltonians, the existence of the Protocol itself, and avenues for redress in instances where the City fails to live up to its commitment and legal obligations.

In conclusion, we thank you for the opportunity to provide our perspectives on this important health and human rights issue and urge the Council of the City of Hamilton to adopt and adequately resource the implementation of *Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons* (HUR17002).

Sincerely,  
**HIV & AIDS Legal Clinic Ontario**  
per:



Jonathan Glenn Betteridge  
Staff Lawyer [ext. 4041]

cc: Aidan Johnson, Councillor, Ward 1