

December 5, 2012

Members of City Council and Senior Management  
City of Hamilton  
2<sup>nd</sup> floor – 71 Main St. West  
Hamilton, ON L8P 4Y5

Dear Councillors and Staff,

We are writing to you to express our support for the recent clarification of the Ontario Human Rights Commission (OHRC) confirming the rights of transgender people to access "gendered" spaces within the City of Hamilton's facilities, such as washrooms and change rooms. The inclusion of "gender identity" and "gender expression" in the Ontario Human Rights Code (the Code) confirms what has always been true, namely that **individuals should be recognized as the gender they live in**, and be given access to washrooms and change facilities on this basis, unless they specifically ask for other accommodation (such as for safety or privacy reasons).

People who are discriminated against or harassed because of their trans identity are legally protected under the ground of gender identity and expression. This includes transsexual, transgender and intersex persons, cross-dressers, and other people whose gender identity or expression is, or is seen to be, different from their birth-identified sex.

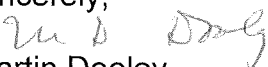
While there is nothing new in this confirmation, the recent changes to the Code raise awareness of the need for trans-inclusive practices and policies, and provide an opportunity for the City of Hamilton to review its policies, programs and/or staff training to ensure that they are reflective of the clarified position of the OHRC. In particular, this would apply to the use of City facilities and services, including Recreation, Ontario Works and Housing.

The Ontario Human Rights Code is clear on the matter. The Code provides for equal rights and opportunities, and freedom from discrimination. The Code recognizes the dignity and worth of every person in Ontario, in employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.

Under the Code, employers, unions, landlords and service providers have a legal duty to accommodate people because of their gender identity and expression. The goal of accommodation is to allow people to equally benefit from and take part in services, housing or the workplace.

I wish to strongly support the City of Hamilton in pursuing trans-inclusive practices and policies.

Sincerely,

  
Martin Dooley