

Morgan, Blane AG:EX

From: Morgan, Blane AG:EX
Sent: Friday, July 29, 2011 10:30 AM
To: Mueller, Linda GCPE:EX; Pearson, Nancy AG:EX; Canham, Linda A AG:EX
Cc: Merner, David AG:EX
Subject: RE: Question_Transgendered Protections

Importance: High

Hi Linda,

You're quite right, transgendered people and homosexual, bisexual, and heterosexual people are currently protected from discrimination under the Code. It's my understanding that transgendered people are protected through the prohibition on discrimination on the basis of sex, and that the prohibition on the basis of sexual orientation protects gay men, lesbians, bisexual, and heterosexual people.

My only comment would be that the proposed amendments would best be considered (and will be considered) in the context of an overall review of the Code.

Hope this helps and please let me know if you need anything else.

Regards,
Blane

Blane Morgan, Senior Policy and Legislation Analyst
Dispute Resolution Office
Justice Services Branch
Ministry of Attorney General

Ph: (250) 387-0167

From: Mueller, Linda GCPE:EX
Sent: Friday, July 29, 2011 10:00 AM
To: Pearson, Nancy AG:EX; Canham, Linda A AG:EX
Cc: Morgan, Blane AG:EX
Subject: RE: Question_Transgendered Protections

There is time sensitivity, as media have interviewed Education on the news release. The AG is doing interviews on another matter this morning after 11 a.m. and we want to be ready if he is asked.

From: Pearson, Nancy AG:EX
Sent: Friday, July 29, 2011 9:44 AM
To: Mueller, Linda GCPE:EX; Canham, Linda A AG:EX
Cc: Morgan, Blane AG:EX
Subject: RE: Question_Transgendered Protections

Hi Linda M.,

Linda C. is off today, but Blane will be in around 10:00. Is there any time sensitivity to this request? Are you preparing an issue note?

From: Mueller, Linda GCPE:EX
Sent: Friday, July 29, 2011 9:16 AM
To: Canham, Linda A AG:EX

Cc: Morgan, Blane AG:EX; Pearson, Nancy AG:EX

Subject: Question_Transgendered Protections

Linda, any comments on this news release calling on the Human Rights Code to be amended to "explicitly protect" transgendered people or on Herbert's proposed Gender Identity and Expression Human Rights Recognition Act? Here's my understanding of the current code:

- It is illegal in B.C. to discriminate against or harass someone because of their sexual orientation.
- B.C.'s Human Rights Code protects all British Columbians from discrimination based on sexual orientation, regardless of whether they are gay, lesbian, bisexual or heterosexual.
- Transgendered and transvestite people are protected from discrimination under the Code -- based on their sex or gender identity.
- Examples of sexual discrimination can include denying someone a service or not hiring or promoting them because of their gender.
- Examples of sexual harassment include making offensive jokes or comments or displaying sexually offensive pictures.
- Complaints can be filed with the B.C. Human Rights Tribunal, but must be received within six months of the alleged incident.

NEW DEMOCRATS CALL FOR REAL ACTION TO FIGHT HOMOPHOBIA AND TRANSPHOBIA IN B.C. SCHOOLS

July 28, 2011

VANCOUVER - With Pride celebrations underway in Vancouver, the B.C. New Democrats are calling on the premier to take real action to fight homophobia and transphobia in British Columbia schools.

"In the spirit of Pride Week, we are calling for action on two major issues affecting B.C.'s lesbian, gay, bisexual, transgender and queer (LGBTQ) community," said Spencer Chandra Herbert, the New Democrat MLA for Vancouver-West End. "We want safe schools for LGBTQ youth, and for transgender British Columbians to be explicitly protected in our Human Rights Code."

"As we celebrate Pride, this is the perfect time for the Liberal government to finally show some leadership, stop avoiding the tough issues, and bring in a province-wide policy to protect vulnerable children from homophobic and transphobic bullying in our schools, just as we have done with racism," said Chandra Herbert.

New Democrat MLA Mable Elmore said that Premier Christy Clark needs to be honest with British Columbians about where she stands.

"Is she willing to stand up for vulnerable children who are being bullied? Or is she going to break her promise to fight homophobic bullying? The premier has been touting an anti-bullying agenda, but has yet to take action to protect victims of bullying across this province," said Elmore, the MLA for Vancouver-Kensington.

"When the Burnaby School Board was under attack for standing up to homophobia in their schools, Christy Clark passed it off as a 'local issue' and missed an opportunity to take some leadership with a province-wide policy," said Elmore.

"Currently only 13 of 60 school districts have policies protecting students from homophobia and transphobia. That's unacceptable," said Elmore. "It shouldn't matter where a child lives, who they are or who their parents are - they should feel safe at school."

According to Every Class in Every School, a report on homophobia, biphobia, and transphobia in Canadian Schools, almost 64 per cent of LGBTQ students reported that they feel unsafe at school.

Chandra Herbert says that the premier has yet to indicate support for his Gender Identity and Expression Human Rights Recognition Act, introduced in the B.C. Legislature on May 26.

"The bill would protect transgender people from discrimination under the B.C. Human Rights code," said Chandra Herbert. "It's about celebrating the great diversity of people in our province and ensuring that everyone has the right to live free from hate."

Adrian Dix and the New Democrats firmly believe in human rights and the importance of ensuring everyone is treated fairly and equally in a society based on mutual respect

Morgan, Blane AG:EX

From: Campbell, Helene AG:EX
Sent: Friday, July 29, 2011 10:29 AM
To: Morgan, Blane AG:EX
Subject: FW: Question_Transgendered Protections

Hi Blane..over to you~ I know you've probably already seen the cc to you.

Helène Campbell

Assistant to David Merner
Executive Director, Dispute Resolution Office
Justice Services Branch
Ministry of Attorney General
Phone: 250 387-1480
Fax: 250 387-1189

From: Mueller, Linda GCPE:EX
Sent: Friday, July 29, 2011 9:22 AM
To: Campbell, Helene AG:EX
Subject: FW: Question_Transgendered Protections

Helene, for forwarding to whomever is filling in for Linda. Thanks.

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Sent: Friday, July 29, 2011 9:16 AM
To: Canham, Linda A AG:EX
Cc: Morgan, Blane AG:EX; Pearson, Nancy AG:EX
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in our Human Rights Code."

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According to Every Class in Every School, a report on homophobia, biphobia, and transphobia in Canadian Schools, almost 64 per cent of LGBTQ students reported that they feel unsafe at school.

Chandra Herbert says that the premier has yet to indicate support for his Gender Identity and Expression Human Rights Recognition Act, introduced in the B.C. Legislature on May 26.

"The bill would protect transgender people from discrimination under the B.C. Human Rights code," said Chandra Herbert. "It's about celebrating the great diversity of people in our province and ensuring that everyone has the right to live free from hate."

Adrian Dix and the New Democrats firmly believe in human rights and the importance of ensuring everyone is treated fairly and equally in a society based on mutual respect

Morgan, Blane AG:EX

From: Campbell, Helene AG:EX
Sent: Friday, October 7, 2011 2:11 PM
To: Morgan, Blane AG:EX
Subject: FW: Hansard re Bill M207

Here you are~

Helene Campbell

Assistant to David Merner
Executive Director, Dispute Resolution Office
Justice Services Branch
Ministry of Attorney General
Phone: 250 387-1480
Fax: 250 387-1189

From: Merner, David AG:EX
Sent: Friday, October 7, 2011 2:07 PM
To: Campbell, Helene AG:EX
Subject: FW: Hansard re Bill M207

David Merner
Executive Director, Dispute Resolution Office
Justice Services Branch, BC Ministry of Attorney General

8th Floor, Sussex Building, 1001 Douglas Street, Victoria, British Columbia

(250) 387-6888

From: Merner, David AG:EX
Sent: Thursday, May 26, 2011 10:10 PM
To: Pearson, Nancy AG:EX; Canham, Linda A AG:EX; Morgan, Blane AG:EX
Subject: Re: Hansard re Bill M207

Thanks very much Nancy.

D.

From: Pearson, Nancy AG:EX
Sent: Thursday, May 26, 2011 02:37 PM
To: Merner, David AG:EX; Canham, Linda A AG:EX; Morgan, Blane AG:EX
Subject: Hansard re Bill M207

This Bill may be of interest to you. On Hansard at <http://www.leg.bc.ca/hansard/39th3rd/H10526y.htm>

**Introduction and
First Reading of Bills**

Bill M207 — Gender Identity and
Expression Human Rights
Recognition Act, 2011

S. Chandra Herbert presented a bill intituled Gender Identity and Expression Human Rights Recognition Act, 2011.

S. Chandra Herbert: I move a bill intituled Gender Identity and Expression Human Rights Recognition Act be read for a first time now.

Motion approved.

S. Chandra Herbert: The Gender Identity and Expression Human Rights Recognition Act is about explicitly acknowledging full human rights protection in British Columbia for transgender and transsexual people.

This bill affirms what judges have been reading into the law and acknowledges the rights of all people to be free from discrimination based on gender identity and expression. It acknowledges the ongoing and extreme discrimination faced by people in our communities because of who they are.

Trans people face incredible difficulties and are regularly discriminated against, whether it be in the workforce, housing, health care or obtaining services most British Columbians take for granted. They also face significantly higher rates of violence.

Trans people have always been part of our human society but have received little recognition or attention to their unique challenges. Some in this House, indeed, may not even be aware of who trans people are or what they face in their very lives.

This bill is about celebrating the great diversity of people in our province and ensuring everyone has the right to live free from hate and indeed be loved for who they are, because when one suffers, everyone suffers.

Hon. Speaker, I move that this bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill M207, Gender Identity and Expression Human Rights Recognition Act, 2011, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Nancy Pearson

Manager, Stakeholder Relations

Assistant Deputy Minister's Office

Justice Services Branch

Ministry of Attorney General

3rd Floor, 703 Broughton Street

PO Box 9222 STN PROV GOVT

Victoria, B.C. V8W 9J1

Phone: (250) 356-8245

Fax: (250) 356-6552





SEP 30 2011

Mr. Spencer Chandra Herbert
MLA
Vancouver - West End
923 Denman Street
Vancouver BC V6G 2L9

Dear Mr. Herbert:

Thank you for your letter dated August 18, 2011, requesting my support for the *Gender Identity and Expression Human Rights Recognition Act* which you plan to reintroduce when the House next sits.

The *Human Rights Code* (the Code) currently protects transgendered and transsexual people from discrimination on the basis of sex and sexual orientation, respectively. I believe it would be prudent to defer consideration of your proposed amendment until an overall review of the Code takes place. This would allow for appropriate policy analysis, as well as for public and stakeholder consultation.

Accordingly, I will ensure that your proposal is considered when the next major review of the Code is undertaken.

I appreciate your letting me know of your plans to reintroduce your *Gender Identity and Expression Human Rights Recognition Act* bill. Thank you for your important work on human rights in British Columbia.

Sincerely,

ORIGINAL SIGNED BY

Shirley Bond
Attorney General
and Solicitor General

pc: The Honourable Christy Clark

Ministry of
Attorney General

Office of the
Attorney General

Mailing Address:
PO Box 9044 Stn Prov Govt
Victoria BC V8W 9E2
e-mail: AG.Minister@gov.bc.ca
website: www.gov.bc.ca/ag

Telephone: 250 387-1866
Facsimile: 250 387-6411



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X ref. 386477.

August 30, 2011

Spencer Chandra Herbert, MLA
Vancouver-West End
923 Denman Street
Vancouver, BC V6G 2L9

Dear Mr. Chandra Herbert:

Thank you for your letter. I appreciate the time you have taken to provide me with a copy of Bill M207 — Gender Identity and Expression Human Rights Recognition Act, 2011. I have asked the Attorney General, the Honourable Shirley Bond, to follow up with you directly in this regard. You will be hearing from the Minister's office at the earliest opportunity.

Thank you again for bringing this matter to my attention.

Sincerely,

Christy Clark
Premier

pc: Honourable Shirley Bond

Spencer Chandra Herbert, MLA
(Vancouver-West End)
Parliament Buildings
Victoria, BC V8V 1X4
Ph: (250) 953-4984
Fax: (250) 387-4680



Constituency Office:
923 Denman Street
Vancouver, BC V6G 2L9
Ph: (604) 660-7307

Copy - CH

August 18, 2011

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

Honourable Shirley Bond
Interim Attorney General
Room 232, Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier and Attorney General:

RE: Bill M207 – Gender Identity & Expression Human Rights Recognition Act, 2011

On May 26, I introduced the Gender Identity and Expression Human Rights Recognition Act, which provides full human rights protection in British Columbia for transgender and transsexual people, acknowledging the ongoing and extreme discrimination faced by trans people in our communities. I've enclosed a copy of the bill for your reference.

Trans people have always been part of our society but have received little recognition or attention to their unique challenges. Whether it be in the workforce, housing, health care or obtaining services most British Columbians take for granted, trans people face incredible difficulties. They also face significantly higher rates of violence.

I plan to reintroduce the Gender Identity and Expression Human Rights Recognition Act when the House next sits so I'm writing to request your support for this bill that would amend the Human Rights Code. If you have any questions or comments, I would be pleased to meet with you to discuss the bill and further highlight all of the issues that this amendment would address.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to be "SCH", written over a light grey background.

Spencer Chandra Herbert, MLA
Vancouver-West End

Enclosure

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Third Session, Thirty-Ninth Parliament
59 Elizabeth II, 2011
Legislative Assembly of British Columbia

BILL M 2**

Gender Identity and Expression Human Rights Recognition Act

Mr. Spencer Chandra Herbert

Explanatory Note

This bill supports 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.

This bill affirms the rights of transsexuals, transgenderists, intersexed persons, cross-dressers, and other groups who routinely suffer discrimination based on the expression of their gender or the gender identity they experience.

This bill reaffirms the government of British Columbia's broad and inclusive approach to protecting the rights and dignity of all people.

MR. SPENCER CHANDRA HERBERT

BILL M 24 - 2011

Gender Identity and Expression Human Rights Recognition Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Human Rights Code, R.S.B.C. 1996, c. 210 is amended by adding the following subsection:

(1.1) Without limiting the generality of the word sex, for greater certainty sex includes gender identity and gender expression.



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July 21, 2011

Susan Lambert
President
British Columbia Teachers' Federation
100-550 West 6th Avenue
Vancouver, BC V5Z 4S2

Dear Ms. Lambert:

Thank you for your letter regarding the BCTF support for the *Gender Identity and Expression Human Rights Recognition Act*. I commend the BCTA on your work in addressing bullying and homophobia in schools. Your request and declaration of support for the *Act* have been noted and I will be sure to include them in future related discussions.

Again, thank you for writing.

Sincerely,


Christy Clark
Premier

pc: Honourable George Abbott
Honourable Barry Penner

Province of
British Columbia

Office of the
Premier

Mailing Address:
PO Box 9041 Stn Prov Govt
Victoria BC V8W 9E1



British Columbia Teachers' Federation

100-550 West 6th Avenue, Vancouver, BC V5Z 4P2 • 604-871-2283, 1-800-663-9163 • www.bctf.ca

A Union of Professionals

Executive Offices fax: 604-871-2290

July 7, 2011

The Honourable Christy Clark
Premier and President of the Executive Council
West Annex
Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier Clark:

I am writing to you on behalf of the 41,000 members of the BC Teachers' Federation who believe that transgender youth and adults deserve explicit protections from harassment and discrimination within schools and society. Our union strongly supports the *Gender Identity and Expression Human Rights Recognition Act* which was recently introduced in the BC Legislature. We want transgendered people to be explicitly protected by the BC *Human Rights Code*.

For well over a decade, the BCTF has worked to address issues of transphobia and homophobia in schools. We recognize that the great majority of bullying in schools is rooted in these phobias. For children to learn they must be taught in safe and nurturing environments. We take seriously our responsibility to create for all our students safe havens—schools where learning is supported and grows. As part of our work, we support schools in celebrating LGBTQ student and same-gender family realities through activities like the Week against Homophobia and Transphobia, Day of Pink, Day of Silence, and others. In the past two years, we've amended all of our relevant policies to include explicit protections of students and teachers based upon their real or perceived gender identity and expression.

Transgendered people still face incredible barriers to schooling, employment, and housing. Many face discrimination and the threat of violence almost everywhere they go. We believe that explicit inclusion of gender identity and expression in the *Human Rights Code* will help ensure people understand that transgendered people have the right to live and work within safe and supportive communities. When transphobia goes unchecked or challenged, it can have devastating negative effects on youth and adults.

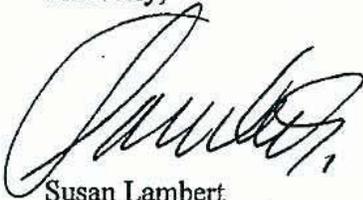
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The Honourable Christy Clark
July 7, 2011

Federally, we have lobbied in favour of Bill C-389 which passed through three readings in Parliament over the past year. We intend to support a similar bill when it is re-introduced by MP Libby Davies in the fall sitting of the House of Commons. We are specifically requesting that you endorse the *Gender Identity and Expression Human Rights Recognition Act* within BC and publicly declare your support for it. We also encourage you to work with us to educate every British Columbian about the harms of transphobia within society.

Sincerely,



Susan Lambert
President

pc: Marie Little, Trans Alliance Society
Jennifer Breakspear, Qmunity

SL:jb/feu