



[via email; hardcopy to follow]

September 22, 2014

Honourable Jonathan Denis, Minister of Justice and Solicitor General  
Alberta Justice and Solicitor General  
3rd floor, Bowker Building  
9833-109 Street  
Edmonton AB T5K 2E8  
email: calgary.acadia@assembly.ca

**RE: Clarifying rights in the *Alberta Human Rights Act***

Honourable Jonathan Denis, Minister of Justice and Solicitor General:

The Trans Equality Society of Alberta (TESA) formally requests that the *Alberta Human Rights Act* be amended to make "gender identity" and "gender expression" explicitly stated as prohibited grounds for discrimination in Alberta.

Acknowledging that the *Act* establishes that "it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal ..." [1] TESA notes that all too often, our members continue to learn of difficulties encountered by trans\* Albertans who are unsuccessful in fully experiencing this equality.

TESA's mission is to be a witness and a voice for matters concerning trans\* Albertans. Although the Alberta Human Rights Commission lists "transgender" as being protected in Alberta, [2] and the Government of Alberta states that "[d]iscrimination on the basis of gender identity is a violation of human rights legislation," [3] this ground is protected by inference from other grounds currently enumerated within the *Act*. TESA believes that clarifying the *Act's* reference to "all persons" as including persons without regard to their gender identity and gender expression would help all Albertans uphold this fundamental principal and public policy.

At this time, the respective Acts or Codes of the Northwest Territories [4] and Manitoba [5] have chosen

to make trans\* inclusion in human rights explicit through the clear inclusion of the ground "gender identity," while the provinces of Ontario[6], Nova Scotia[7], PEI[8], and Newfoundland and Labrador[9] have chosen to make the grounds of both "gender identity" and "gender expression" explicit.

TESA believes that adding "gender identity" and "gender expression" to the *Alberta Human Rights Act* is a reasonable and justifiable step toward ensuring trans\* Albertans enjoy full equality within our province. TESA appreciates your consideration of this request, and looks forward to your response.

Regards,  
TRANS EQUALITY SOCIETY of ALBERTA

[signed]

Jan Buterman, president

CC: Dr. Kristopher Wells, Director of Programs & Services, Institute for Sexual Minorities Studies and Services (iSMSS), University of Alberta; email: [kwells@ualberta.ca](mailto:kwells@ualberta.ca)

References:

[1] *Alberta Human Rights Act*, R.S.A. 2000, c.A-25.5. Retrieved from <http://www.qp.alberta.ca/documents/Acts/A25P5.pdf>

[2] Alberta Human Rights Commission. (2012). *Protected areas and grounds under the Alberta Human Rights Act*. [Information Sheet]. Retrieved from <http://www.albertahumanrights.ab.ca/ProtAreasGrounds.pdf>

[3] Alberta Human Services. (2014). *Transphobic Bullying*. [Bully Free Alberta]. Retrieved from <http://bullyfreealberta.ca/pdf/Transphobic-Bullying.pdf>

[4] *Human Rights Act*, S.N.W.T. 2002, c.18. [Northwest Territories]. [Part 2, Section 5(1) "gender identity"]. Retrieved from <http://www.justice.gov.nt.ca/PDF/ACTS/Human%20Rights.pdf>

[5] *The Human Rights Code*, C.C.S.M., c.H175. [Manitoba]. [Section 9(2)(g) "gender identity"]. Retrieved from [http://web2.gov.mb.ca/laws/statutes/ccsm/\\_pdf.php?cap=h175](http://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=h175)

[6] *Human Rights Code*, R.S.O. 1990, c.H.19. [Ontario]. [Part I, Sections 1, 2(1), 2(2), 3, 5(1), 5(2), 6, 7(1), 7(2) "... gender identity, gender expression ..."]. Retrieved from [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90h19\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm)

[7] *Human Rights Act*, R.S. 1989, c.214. [Nova Scotia]. [Section 5(1)(na) "gender identity", 5(1)(nb) "gender expression"]. Retrieved from <http://nsllegislature.ca/legc/statutes/human%20rights.pdf>

[8] *Human Rights Act*, H-12. [Prince Edward Island]. [Section 1(1)(d) "... gender identity, gender expression ..."]. Retrieved from <http://www.gov.pe.ca/law/statutes/pdf/h-12.pdf>

[9] *Human Rights Act*, S.N.L. 2010, H-13.1. [Newfoundland and Labrador]. [Part II, Section 9(1) "... gender identity, gender expression ..."]. Retrieved from <http://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>