December 11, 2019

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (OSW/14/2019)

On November 13, 2019, the Office for the Status of Women (OSW) received your request for access to the following records:

"All briefing materials including information notes, meeting notes and presentations, as well as emails to WPO executive and minister regarding LGBT harassment and/or sensitivity training in the public service. Time period: January 1, 2016 to the date of this request."

Please be advised that a decision has been made by the Deputy Minister of the Office for the Status of Women to provide access to the requested information.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

P.O. Box 8700, St. John's, NL, Canada A1B 4J6  Fax 709 729 5098  709 729 2331  www.gov.ni.ca
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-2987 or by email at leannelane@gov.nl.ca.

Kindest Regards,

Leanne Lane
ATIPP Coordinator
Sexual Orientation and Gender Identity 101

An Introduction to the 2SLGBTQQIA+ topics
Overview

- An Introduction to Terms
- Overview of history of legal status of 2S.LGBTQQIA+ people
- Challenges facing 2S.LGBTQQIA+ people
Learning Outcomes

- Understanding the difference between sex and gender
- Familiarity with the breadth and diversity of 2SLGBTQQIA+ people
- Familiarity with some gender and sexual minority identities
- Familiarity with the legal and historical context of 2SLGBTQQIA+ people
- Familiarity with some challenges facing 2SLGBTQQIA+ people
Gender Based Analysis +

- Gov NL announced that GBA+ would be applied across government
- Understanding sexual and gender minorities:
  - is key to successfully applying GBA+
  - to creating policy and legislation that serves the needs of all members of our province
Sex vs. Gender

SEX/ASSIGNED SEX
• the classification of a person as male or female or intersex
• based on biological characteristics
  • chromosomes, hormones, external genitalia and reproductive organs

GENDER
• Historically, the classification of a person as 'man' or 'woman'
• Often based on their sex assigned at birth
• Based on one's internal and psychological sense of self as a woman, a man, both, in between or neither.
Sexual Orientation

A term used to describe a person's pattern of emotional, romantic or sexual attraction:

- To the same gender (homosexuality),
- To a gender different than your own (heterosexuality)
- To both men and women (bisexuality)
- Regardless of gender identity (pansexuality)
- Does not experience sexual attraction (asexuality)
Review of Terms

- **Sex** = assigned at birth based on physical body
- **Gender** = identity as a woman, man, both, in between, or neither
- **Sexual Orientation** = who you are romantically/physically attracted to
2SLGBTQQIA+

• Why all the letters?
  • The acronym seeks to cover all sexual and gender minorities (that’s EVERYONE who doesn’t identify as heterosexual and/or cisgender)
  • The default assumption in our society is that everyone is heterosexual
  • This is called heteronormativity
  • Heteronormativity: The assumption that everyone is heterosexual and that this sexual orientation is superior, default, and ‘normal’
Heteronormativity Hurts

- The assumption that everyone is heterosexual makes those who are not feel invalidated and unseen
- It can prevent people from accessing needed services
- It contributes to discrimination in education, housing, and health care

Did you know?
- 75% of LGB students and 95% of transgender students felt unsafe at school, compared to only 20% of straight students

Who defines what normal is?
Heteronormativity Hurts

- In 2009, the first Canadian and national research report was published that looked at homophobia and transphobia in Canadian schools.
- It showed, overwhelmingly, that schools are indeed unsafe spaces for LGBT youth and in particular, transgender youth.

Did you Know?

- 74% of transgender students and 55% of LGBT youth report being verbally harassed about their gender or sexual identity.
- 21% of LGBT youth report being physically harassed or assaulted because of their orientation.

Heteronormativity Hurts

- Even with the legalization of same-sex marriage and various other initiatives that promote equality, homophobia and transphobia are still deeply ingrained in our everyday behaviours, language, and in the policies of many institutions where they are often normalized and invisible

- Did you Know?
  - 37% of trans-youth report being physically harassed or assaulted due to their gender expression
  - 49% of trans-youth reported being sexually assaulted as result of their gender expression

2SLGBTQQIA+

- Two Spirit:
  - is a way to identify individuals who embody diverse sexualities, genders, gender roles and/or gender expressions and who are Indigenous to Turtle Island
  - before the colonization many (not all) First Peoples had traditions and ways that were non-binary
  - some Nations had 3, 4, 5, 6 or even 7 different genders, and these genders were not only accepted and honored but also had distinct (gender) roles within their Nations.

Did you know?

1990: The term Two Spirit is coined at the third annual intertribal Native American/First Nations Gay and Lesbian Conference in Winnipeg.

2SLGBTQQIA+

Two Spirit:
"Many cultural traditions and practices of the peoples of Turtle Island have often been misrepresented or suppressed... This especially holds true for Indigenous notions and practices of gender, gender-roles, gender expression, sex and sexuality."

Did you Know?
There are about 130 terms within these languages that name, account and identify these other genders – each word is Nation specific.


"About the presenter: Harlan Pruden (First Nations Cree Nation/nêhiyaw), whose mother is from the Beaver Lake Reservation and father from the Whitefish Lake Reservation, both located in northeastern Alberta – Treaty 6 territory, works with and for the Two-Spirit community locally, nationally and internationally. Currently, Harlan is a Ph.D. student at UBC and an Educator at Chee Mamuk, an Indigenous public health program at BC Centre for Disease Control. Harlan is also the Managing Editor of the TwoSpiritJournal.com and a member of the Board of Trustees for the Vancouver Public Library and was just appointed as an Advisory Member for the Canadian Institutes of Health Research’s Institute of Gender and Health. In August 2014, Harlan was appointed by President Obama to the US Presidential Advisory Council on HIV/AIDS (PACHA) and provided advice, information, and recommendations to the Secretary of Health & Human Services and the White House. (In December 2018, Harlan was (happily) fired/dismissed from PACHA by Mr. Trump via Fedex.)"
2SLGBTQQIA+

Lesbian:
A woman who is emotionally, physically, spiritually and sexually attracted to other women

Did you know?
• people may experience multiple forms of marginalization at the same time
• This is called intersectionality (the + in GBA+)
• Ex: a lesbian indigenous woman in Gender may have an anxiety disorder and be living in poverty

2SLGBTQQIA+

Gay:
- A person who is emotionally, physically, spiritually and sexually attracted to persons of the same gender
- Gay usually refers to men, but it is also used to include women

Did you know?
40% of gay male students have experienced sexual harassment in school in the last year

https://egale.ca/backgrounder-lgbtq-youth-suicide/
2SLGBTQQIA+

Bisexual:

- A person who is emotionally, physically, spiritually and sexually attracted to men and women
- This refers to attraction not behavior – someone can identify as bisexual even if they have never been with anyone

Did you know?

Bisexual individuals were almost 9 times more likely to experience sexual assault than a heterosexual person in Canada (151 versus 17 incidents per 1,000 population)

2SLGBTQQIA+

Transgender:
• A person who does not identify with the sex they were assigned at birth
• Someone who does identify with the sex they were assigned at birth is Cisgender

Did you know?
• 77% of trans respondents in an Ontario-based survey had seriously considered suicide
• 45% had attempted suicide

2SLGBTQQIA+

- The term cisgender is used to refer to people who are not transgender
- We use it rather than saying 'normal' which is harmful because it promotes the idea that non-cis people are abnormal or wrong
- We live in a society where the default assumption is that everyone is cisgender: this is called cisnormativity

2SLGBTQQIA+

- Cis- how do I pronounce it?
- (like the sis- in sister)
- The image opposite champions support for all women (inclusive of trans women)

2SLGBTQQIA+

Queer:
- A historically negative term for homosexuality, but more recently reclaimed by largely urban populations to positively refer to gender and sexual minorities
- Still used as a slur in rural and remote areas; use with caution

2SLGBTQQIA+

Questioning:
An individual’s exploration of one’s sexual orientation or gender identity

2SLGBTQQIA+

Intersex:
- refers to people whose bodies, reproductive systems, chromosomes and/or hormones are not easily characterized as male or female
- This might include a woman with higher levels of testosterone or a man with a micropenis
- Intersex characteristics occur in 1 out of every 1500 births
- That means an intersex child is born every two days in Canada


Historically, sometimes referred to by the term hermaphrodite but more recently popularized by cases of cisgendered female athletes like Caster Semenya
(https://www.cbc.ca/sports/olympics/trackandfield/caster-semenya-iaaf-1.5179748)
2SLGBTQQIA+

Asexual:
• An asexual is someone who **does not experience sexual attraction** to others
• Asexuality is distinct from celibacy or sexual abstinence, which are behaviors,
• Asexuality is a sexual orientation
• Asexual individuals may still experience sexual desire, masturbate, or engage in sexual acts or even experience low levels of sexual attraction

2SLGBTQQIA+

+ This indicates that not all sexual and gender minorities are represented in this acronym
+ It highlights the diversity of sexual orientations and gender identities that exist
+ This can include various sexual orientations such as pansexuality, omnisexuality, polysexuality and various non-binary gender identities such as genderqueer, genderfluid, agender, neutrois, etc

Legal Status and History

- The purpose of this overview is to highlight how gender and sexual minorities have been viewed by the Canadian and provincial legal systems.
- To highlight how recently 2SLGBTQIA+ people have been recognized as having valid identities and been provided with protections.
- Recognizing the need for these additions to the law to correct the historical discrimination against 2SLGBTQIA+ people.
- To highlight how colonialism, heteronormativity and cisnormativity are entrenched in our history and have lasting impacts on how society treats 2SLGBTQIA+ people.
Federal: Legal Status and History

- **1841:** Britain held immense sway over Canadian policy throughout the many years in which homosexuality was criminalized. Dating from the early colonial era, homosexuality was officially illegal and the penalty for "the abominable act of buggery" (also known as sodomy) was punishable by death.

- **1861:** the law was moderated slightly, when the sentence became imprisonment for a period of 10 years to life.

Federal: Legal Status and History

• 1968: Prime Minister Pierre Elliot Trudeau introduces a bill to reform the Canadian Criminal Code that loosens the reins on issues such as homosexuality, abortion, and divorce. Trudeau makes a statement that there is "no place for the state in the bedrooms of the nation."

• 1969: On May 14th, Canada decriminalizes homosexual acts between consenting adults with the passage of the Criminal Law Amendment.
Federal: Legal Status and History

- **1998**: Sexual Orientation is added to the Canadian Charter
- **2004**: The common law definition of marriage is changed in to include same-sex marriages
- **2017**: the Federal government of Canada makes the same additions to the Canadian Human Rights Act and Criminal Code. All Canadian provinces now have both gender identity and expression included in their human rights legislation
NL: Legal History and Status

- **2004: December 21, 2004**
- **2013: On December 10th, 2013, Newfoundland and Labrador became the sixth jurisdiction in Canada to amend provincial human rights legislation to include gender identity and, in some cases, gender expression.**
Challenges Facing 2SLGBTQQIA+ people

- Housing
- Violence
- Health
- Employment
Housing

- 40,000 young people in Canada experience homelessness
- 25-40% of homeless youth in Canada identify as 2SLGBTQQIA+
- That means that nearly 1 out of every 3 homeless young people in Canada identifies as 2SLGBTQQIA+
- 2SLGBTQQIA+ youth are overrepresented in the homeless population and underrepresented in shelters

http://www.the519.org/education-training/lgbtq2s-youth-homelessness-in-canada/in-canada
Barriers to Housing

- Discrimination and stigma contribute to 2SLGBTQQIA+ homelessness
- Often 2SLGBTQQIA+ youth are forced to leave home after “coming out” to their families
- Stakeholders indicate that many come into St. John’s in need of housing support
- Fear of encountering homophobia, transphobia or other forms of oppression cause 2SLGBTQQIA+ homeless people to avoid shelters
- This also creates more barriers to accessing services and supports

http://www.the519.org/education-training/lgbtq2s-youth-homelessness-in-canada/in-canada
Barriers to Housing

- Seniors who identify as LGBTQ2S+ also have special housing needs and challenges
- Nearly one third of all Canadians over age 80 live in either a retirement residence or long-term-care housing
- For 2SLGBTQQIA+ seniors, settling into a retirement or long-term care community can sometimes also mean having to “go back in the closet.” The reason is fear of discrimination, homophobia or transphobia from staff or fellow residents.

http://www.the519.org/education-training/lgbtq2s-youth-homelessness-in-canada/in-canada
Violence

- Lesbian, bisexual and transgender women
- Lesbian or bisexual women are three times more likely to experience intimate partner violence than heterosexual women.
- Same-sex couples face stigma that may make it difficult to seek supports for intimate partner violence.
Violence

- Although Newfoundland and Labrador accounted for 1% of the Intimate Partner Violence incidents reported in Canada from 2009-2017, incidents involving same-sex partners accounted for 5.1% of the incidents reported in the province—the largest provincial proportion in the country.
Violence

• Stats Can: 2014 General Social Survey
  • for every 1,000 straight Canadians, 69 reported they had been the victim of either sexual assault, physical assault, or robbery.
  • That number jumps to 142 for lesbian and gay Canadians and skyrocket to 267 for bisexual Canadians.
Violence

Violent Victimization by Sexual Orientation

<table>
<thead>
<tr>
<th>Sexual Orientation</th>
<th>Rate per 1000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heterosexual</td>
<td>69</td>
</tr>
<tr>
<td>Lesbian or gay</td>
<td>142</td>
</tr>
<tr>
<td>Bisexual</td>
<td>267</td>
</tr>
</tbody>
</table>

Violence: Trans Specific

- Trans people are the targets of specifically directed violence
- 20% had been physically or sexually assaulted for being trans
- another 34% had been verbally threatened or harassed but not assaulted
- Many did not report these assaults to the police
- 24% reported having been harassed by police
Violence: Trans Specific

- Trans people also face violence in institutional settings such as prisons
- 6% of Trans PULSE participants had been in prison or jail
- 1/3 of them reported experiencing violence due to their gender (above and beyond violence they may have encountered for other reasons)
- Importantly, being incarcerated in a facility appropriate to their gender identity was not sufficient to protect them from transphobic violence
Health Challenges: Trans

- 1 in 10 trans people who had accessed an emergency room presenting in their felt gender had been refused care or had care terminated prematurely, because they were trans.
- ¾ reported being belittled or ridiculed by an emergency care provider for being trans.
- Among those with a family physician, approximately 40% had experienced discriminatory behaviour from a family doctor at least once.
- Experiences included refusal of care or refusal to examine specific body parts, being ridiculed, and the use of demeaning language.
Employment Challenges: Trans

- Employment
  - among trans Ontarians, 13% had been fired for being trans
  - another 15% were fired, and believed it might be because they were trans
  - because they were trans, 18% were turned down for a job
  - another 32% suspected this was why they were turned down
  - 17% declined a job they had applied for and were actually offered, because of the lack of a trans-positive and safe work environment

http://transpulseproject.ca/resources/trans-pulse-survey/
Employment Challenges: Trans

- In addition to direct discriminatory experiences, trans people experience structural barriers to employment, in systems that are not designed for the possibility of trans experience.
- 28% of trans Ontarians could not get employment references with their current name or pronoun.
- 58% could not get academic transcripts with the correct name or sex designation.
- This places people in the difficult position of outing themselves up-front in job applications, or being unable to draw on their actual job histories to strengthen their applications.
Employment Challenges: Trans

- median income for survey participants was $15,000 per year
- Given levels of education and experience (44% had a post-secondary and/or graduate degree), this represents significant underemployment
Jurisdictional Scan

- Overview of supports
Summary

- Terms
- Gender and Sexual Minorities and GBA+
- Overview of history of legal status of 2SLGBTQQIA+ people
- Challenges facing 2SLGBTQQIA+ people
- Jurisdictional Scan – where does NL stand?