

## RESOURCE LIST

It is a challenging time for Transgender and gender-diverse individuals and their loved ones. A recent IPSOS poll shows Canada is among few countries globally where public support for queer and trans rights is declining. This is reflected in the rise in hateful and discriminatory discourse and legislation dominating the current political climate. Despite the work we still have ahead of us, Canada and Nova Scotia have legal protections for members of the 2SLGBTQIA+ community.

### **YOU HAVE RIGHTS – THE NS LEGAL COMMUNITY IS HERE FOR YOU!**

See below for a list of resources available to 2SLGBTQIA+ Nova Scotians and examples of recent legal cases protecting the rights of the 2SLGBTQIA+ community.

#### **HATE SPEECH**

In 2023, the Supreme Court of Canada set a precedent for protecting those who stand up for the 2SLGBTQIA+ community and denounce hate speech in *Hansman v. Neufeld*. The Court upheld the right of Mr. Glen Hansman, a gay man, teacher, and former president of the BC Teachers' Federation, to publicly speak out against the bigoted and transphobic statements made an elected public school board trustee in Chilliwack, BC.

In Ontario, Mr. Webster tried to dismiss the defamation lawsuit brought against him by a drag performer and local 2SLGBTQIA+ non-profit after he accused them of being "groomers" online. The Superior Court of Justice ruled that statements claiming drag performers "sexualize children and aim to recruit them into the 2SLGBTQI community" spread harmful stereotypes and myths and did not dismiss the defamation claim. The Judge also ordered that Mr. Webster pay the drag performer and non-profit \$10,000 for legal costs associated with his motion to dismiss their claim.



#### **TRANS RIGHTS IN SCHOOLS**

The Nova Scotia Department of Education & Early Childhood Development published the Guidelines for Supporting Transgender & Gender non-conforming Students in 2014. The guidelines support students' right to a safe and respectful learning environments and is currently under review to be updated.

In June 2024, the Supreme Court of Canada ruled in *York Region District School Board v. Elementary Teachers' Federation of Ontario* that the Charter of Rights and Freedoms applies to the actions of public school boards because they exercise governmental power over students' lives. This decision will help protect 2SLGBTQIA+ youth in the face of the harmful and unconstitutional policies that cause gender diverse students in New Brunswick, Saskatchewan and Alberta to be misgendered and deadnamed at school, and ensure safer school environments for all students.



# TRANS RIGHTS & THE LAW

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### **2SLGBTQIA+ RIGHTS IN NS WORKPLACES**

Sexual orientation, gender identity and gender expression are protected characteristics under both the Nova Scotia Human Rights Act and the Canadian Human Rights Act. It is illegal to discriminate against two-spirit, trans, non-binary, and other gender diverse people in any of the areas covered by these Acts including employment. This means that gender diverse individuals have the right to be who they are at work and includes the right to:

- have their pronouns and names respected
- access washrooms that match their gender identity; and
- other protections including the right not to be harassed based on their gender identity or asked intrusive questions about their bodies.

For more information about human rights in Nova Scotia, contact the Nova Scotia Human Rights Commission [Nova Scotia Human Rights Commission](#).

### **CUSTODY AND CHILD PROTECTION**

LGBTQ youth face unique risks in the child welfare system. In Nova Scotia, s.3(2)(ga) of the Children and Family Services Act stipulates that in determining the best interests of a child, their sexual orientation, gender identity and gender expression must be considered.

The courts in Nova Scotia have proven to be on the side of parents who support their children's gender identity and expression, and have identified that the inability to accept and validate a child's gender identity is a protection concern.

J.A. v. S.B. 2023, 2023 NSSC 46

Father was granted custody of a transgender child where the mother refused to accept child's gender transition. Mother had to seek counselling and had no access for 6 months to allow 13-yr old child to recover without interference.

Nova Scotia (Minister of Community Services) v. G.M., [2021] N.S.J. No. 231

The court strongly considered the impacts to the child of a parent's unwillingness to support their gender identity in making a decision for permanent care and custody. "G.M.'s inability to recognize, accept and consistently validate T.'s chosen gender identity creates a real and substantive risk of further or emotional harm for T." (para 11)

Parents who identify within the 2SLGBTQIA+ community also have rights. In *Forrester v. Saliba*, the court states that children have the right to a relationship with an LGBTQ parent to the extent it is in their best interests. A parent's gender identity or expression does not constitute a material change in circumstances to vary custody or access arrangements. *Forrester v. Saliba*, [2000] OJ No 3018 (QL)

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### TRANS AND DIVERSE PEOPLE IN THE JUSTICE SYSTEM

In 2022, the Canadian Bar Association published the report “Access to Justice for Trans People” [CBA Access to Justice for Trans People](#). Transgender, non-binary and gender diverse people face significant barriers to access to justice, which reinforce their ongoing social and systemic marginalization. Trans people experience a higher rate of justiciable legal problems than the general public, but have less access to, and trust in, legal service providers and the courts. 71% of those surveyed reported (at least) 1 justiciable legal problem compared to 48.8% of general adult population and increased to 82% for Indigenous respondents and 83% for non-Indigenous racialized respondents.

### ADDITIONAL RESOURCES AND SUPPORTS

**Canadian Human Rights Commission**

Toll free: 1-888-214-1090

<https://www.chrc-ccdp.gc.ca/en>

**Nova Scotia Human Rights Commission**

Toll free in Nova Scotia: 1-877-269-7699

Local in Halifax: 902-424-4111

<https://humanrights.novascotia.ca/>

**Nova Scotia Rainbow Action Project**

Volunteer-run 2SLGBTQIA+ advocacy organization

<https://nsrap.ca/>

**prideHealth**

Provides healthcare navigation support for 2SLGBTQIA+ adults and youth

Tel: 902-487-0470

<https://www.nshealth.ca/content/pridehealth>

**Legal Information Society of Nova Scotia**

Moving Beyond the Binary [Guide - Legal Information Society of Nova Scotia](#)

**Trans Lifeline**

Peer support hotline run and staffed by trans people for trans people.

Toll free in Canada: (877) 330-6366

<https://translifeline.org/>

**Youth Project**

Organization that provides support for 2SLGBTQIA+ youth and education and outreach across Nova Scotia with satellite offices in the Valley and Cape Breton.

<https://youthproject.ns.ca/>



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