

Rainbow Rights:

**A Human Rights Legal Information Guide
for 2SLGBTQIA+ Nova Scotians**



Copyright © 2024 by the Legal Information Society of Nova Scotia

This project was made possible by the generous funding contribution from the **Nova Scotia Office of Equity and Anti-Racism**, through their Community Network Grant. The Office of Equity and Anti-Racism works with communities and partners like **Legal Information Society of Nova Scotia** to help lead and support equity and anti-racism initiatives so that communities can help improve social and economic well-being for all people within the province.

Throughout this project, we have relied on the insight, expertise, and wisdom of 2SLGBTQIA+ communities shared with us through our consultation process. We conducted multiple consultations with people in the 2SLGBTQIA+ community, including queer folks working in education, newcomer support, trans rights, queer support in rural areas, gender affirming care, intersectionality and anti-racism, and human rights. We are grateful to those who shared their stories and experiences from a Nova Scotian context - your openness and generosity have had a profound impact on this publication.

Special thank you to **Robert Wright**, a respected and celebrated queer African Nova Scotian Social Worker and Sociologist whose 35-year career has spanned the fields of education, child welfare, forensic mental health, trauma, sexual violence, and cultural competence. He has generously offered us his 6-point plan on how to stay sane when operating in a culture that can be hostile toward queer and marginalized folks.



Project team:

- Allison Smith (she/they) - Content writer, Rainbow Rights guide.
- Shila LeBlanc (she/her) - Project coordinator, editor
- Lisa Neily (she/her) - Graphic designer, Rainbow Rights guide
- Heather de Berdt Romilly (she/her) - Executive Director, Legal Information Society of Nova Scotia

Contents

Acknowledging the Land	5
Introduction	6
Who is this guide for?	6
What does this guide cover?	7
Intersectionality: a guiding framework	9
How are our human rights protected in Canada?	11
What is human rights legislation?	12
What is the <i>Canadian Charter of Rights and Freedoms</i>?	12
Where does the Charter apply?	13
What is a Charter challenge?	14
What is the notwithstanding clause?	15
Aside from Charter challenges, are there other ways that our laws can be changed?	16
Where does the <i>Nova Scotia Human Rights Act</i> apply?	17
What characteristics are protected under the <i>Nova Scotia Human Rights Act</i> ?	18
What are the protected areas under the <i>Nova Scotia Human Rights Act</i> ?	19
How can I file a human rights complaint in Nova Scotia?	19
How long do I have to file a human rights complaint?	20
What is a <i>prima facie</i> case of discrimination?	20
What is the early resolution process?	21
What happens in a human rights complaint investigation?	21
Where does the <i>Canadian Human Rights Act</i> apply?	23
What areas are covered by the <i>Canadian Human Rights Act</i> ?	24
What kinds of organizations fall under federal jurisdiction?	24
What characteristics are protected under the <i>Canadian Human Rights Act</i> ?	25
How long do I have to file a human rights complaint on the federal level?	25

Are 2SLGBTQIA+ people protected under our human rights legislation?	26
Can harmful action against the 2SLGBTQIA+ community constitute a criminal offence?	30
Canada's conversion therapy* ban	30
Hate crimes against the 2SLGBTQIA+ community	31
2SLGBTQIA+ human rights in Canada: milestones and setbacks	31
Self-advocacy: letting your voice and your concerns be heard	35
Coming out at work: rights and considerations	36
Navigating pronoun and name updates at work	37
What if my chosen name and legal name are different?	38
Tips for self-advocacy in the workplace	38
Tending to our minds, bodies, and spirits: the importance of self-care, collective care, queer community, chosen family, and solidarity	42
Robert Wright's 6-point plan for staying sane	45
Resources	49
Other LISNS publications:	49
Organizations that provide services and support on the local or national level:	49
Other Online Educational Resources:	50
Learn more about 2SLGBTQIA+ history:	51

Acknowledging the Land

Before we begin, it is vital to recognize that this guide was written in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People who have lived on, cared for, and protected this land from time immemorial.

We all have the privilege to live and work on this land and we are all treaty people. This territory is covered by the Treaties of Peace and Friendship, which Mi'kmaq, Wəlastəkwiyyik (Maliseet), and Passamaquoddy Peoples first signed with the British Crown in 1726. The treaties did not include surrender of lands and resources, but in fact recognized Mi'kmaq and Wəlastəkwiyyik (Maliseet) title and established the rules for what was to be an ongoing relationship between nations. This means that to this day, Mi'kma'ki is unceded territory.

As you read this guide, we encourage you to honour and reflect on the wisdom of the many Indigenous communities that recognized that gender diversity is a sacred part of existence. These communities honoured gender diversity long before colonialism imposed its values, including a binary understanding of gender, on the people of Turtle Island.

We are grateful to the Two-Spirit people who have connected to the wisdom of ancestors and who remind us all that respect for a rich spectrum of gender diversity is a fundamental component of the history of this land and its first peoples.

To learn more about the important and urgent work of reconciliation on Turtle Island (North America), read the **94 calls to action** as outlined by the **National Centre for Truth and Reconciliation**.



Introduction

Welcome to *Rainbow Rights: A Human Rights Legal Information Guide for 2SLGBTQIA+ Nova Scotians*.

We created this guide to empower members of the 2SLGBTQIA+ community in Nova Scotia (Mi'kma'ki) to understand their human rights and what options and resources are available to them if they face discrimination.

Our focus is largely on workplaces, but much of the information and self-advocacy tips in this guide will also apply in other spaces covered by human rights legislation.

As queer people, it can be challenging to navigate our systems, our society, our laws, our schools, and our workplaces as our authentic selves. Many of us become accustomed to regular acts of discrimination, such as employers who refuse to use our correct pronouns or derogatory language used casually to refer to members of our community.

Many of us are also not fully aware of what legal protections exist or how to access these protections.

Our hope in writing this guide is to equip members of our community with a solid understanding of:

- human rights protections, including provincial and federal human rights legislation,
- tips for navigating difficult conversations such as coming out at work, and
- how to self-advocate for inclusive spaces and practices.

Our hope is that by offering clear information, we can assist queer folks in making informed decisions about what pathways and supports they choose to access.

Please note that this guide provides general legal information and not legal advice. If you require advice or guidance on a particular situation, you can find a lawyer through the Legal Information Society of Nova Scotia's **Lawyer Referral Service**.

Who is this guide for?

This guide is for anyone from the 2SLGBTQIA+ community in Nova Scotia who wants to better understand human rights protections, particularly in the workplace.

If you are an employer, service provider, or other organization in Nova Scotia wanting to understand human rights obligations and queer inclusion, we encourage you to start with our *Moving Beyond the Binary* publication, which you can access here: legalinfo.org/beyondthebinary

What does this guide cover?

Rainbow Rights explores both provincial and federal human rights legislation. However, *Rainbow Rights* more often focuses on the *Nova Scotia Human Rights Act*. This is because most human rights complaints that happen in Nova Scotia will fall under the scope of the *Nova Scotia Human Rights Act* and the Nova Scotia Human Rights Commission, which is the government organization that administers this important piece of legislation.

We have included general information about how our human rights are protected in Canada, what steps you can take if you experience discrimination in an area covered by human rights legislation, and what is involved in filing a human rights complaint.

As noted above, our focus is largely on the workplace, but we've also included information about what other spaces are covered by human rights legislation.

Our focus on the workplace is in recognition that most of us spend much of our lives working. And the workplace is home to many relationships and interactions where we as queer people can feel validated or where we can feel harmed.

Workplaces are one of the most vital spaces in which human rights knowledge is important. And they are one of the spaces in which we most often have to ask for and advocate for our needs. With this in mind, we have included sections on how to navigate potentially stressful or challenging conversations, such as how to update your employer about your new name and/or pronouns.

We have also included some basic information about harms against the 2SLGBTQIA+ community that can be considered criminal offenses, namely hate crime and conversion therapy* provisions that exist in the *Criminal Code* of Canada.

We are also pleased to offer a section on self-advocacy, self-care, and community/collective care, including a special section by respected and celebrated social worker and therapist Robert Wright. Robert is a queer African Nova Scotian Social Worker and Sociologist whose 35-year career has spanned the fields of education, child welfare, forensic mental health, trauma, sexual violence, and cultural competence. He has generously offered us his 6-point plan on how to stay sane when operating in a culture that can be hostile toward queer and marginalized folks.

Finally, we've included a section on resources on 2SLGBTQIA+ inclusion and organizations that provide support and advocacy for 2SLGBTQIA+ people.



A note on language:

In *Rainbow Rights*, we have chosen to use the acronym 2SLGBTQIA+ and the word queer relatively interchangeably.

2SLGBTQIA+ refers to Two-Spirit, lesbian, gay, bisexual, transgender or trans, queer, intersex, asexual, and any and all other identities that fall under the rainbow spectrum.

You may have noticed that this acronym has changed a lot over time, and this is because the language used by the queer community has shifted to be more inclusive. As our understanding of queer identities evolves and changes, our acronym shifts too.

We value 2SLGBTQIA+ in symbolically placing Two-Spirit members of our community first. '2S' is placed in a place of prominence in recognition that Two-Spirit people have been historically displaced, marginalized, oppressed, and erased by the legacy of colonialism.

We honour the wisdom of Two-Spirit people, who have long understood that gender is not a binary and that gender diversity is something sacred to be celebrated, learned from, and protected.

The + at the end of the 2SLGBTQIA+ acronym is also important. The + signifies that the community is ever-evolving and expanding. Some other groups may not have a letter dedicated to them at this time, but the + leaves space for all those who may fall under the queer umbrella.

Speaking of the queer umbrella, we also value the expansiveness and fruitful possibilities embedded in the word queer itself.

'Queer' was once considered a slur but has been reclaimed by the 2SLGBTQIA+ community as a powerful term that can hold space for multiple identities. 'Queer' gives room for us to bring our authentic selves into language in a way that is not restrictive and narrow but instead liberating.

'Queer' empowers us to define who we are not by society's rules and expectations but by our own choice and understanding.

'Queer' and its meaning belong to each individual queer person. Who you are, who you love, and how you define your sexuality and gender are completely your own to discover, define, and express.

In our choice to use 2SLGBTQIA+ and queer as our two default terms, we do not mean to erase anyone from the rainbow community who prefers other language or doesn't feel represented by these terms. **You are valued and you belong no matter what words you attach to who you are, or if you prefer no words at all.**

Please take from this guide whatever serves you and know that we are grateful to you for contributing to the vast and beautiful diversity of our world.

Intersectionality: a guiding framework

Before we get into the main content of this guide, there is one more important concept that we wanted to center as a foundational framework for all of the tips, information, and other content that this guide provides. This concept is **intersectionality**.

Whenever we talk about the experiences of 2SLGBTQIA+ people, it's important to apply an intersectional lens. This means acknowledging the reality that queer folks have identities that are made up of many different parts, such as race, gender, sexual orientation, class, and ability.

None of us are defined only by a single aspect of who we are. We are all impacted by the ways that various aspects of our identities intersect or work together.

As the great Black feminist writer Audre Lorde once said, “There is no thing as a single-issue struggle because we do not live single-issue lives.”

“Intersectionality” is an important term coined by Dr. Kimberlé Crenshaw, an internationally renowned law professor and critical race theorist. Intersectionality refers to the complex way in which different aspects of identity intersect and shape a person's overall experience of the world and how they are treated by others. The idea is that each of us brings a special mix of privilege and oppression, and it's important to take in the full picture of a person, not just one factor.

Importantly, courts and tribunals in Canada, including the Supreme Court of Canada, have acknowledged intersectionality as a vital tool through which to understand human rights and the impacts of discrimination.

For some people, aspects of their identity (such as being white, cisgender, and able-bodied) may give them more power and privilege than others. For other people, the combination of different aspects of their identity means that they have less power and privilege in society than others have. For example, if someone is both Black and trans, this person will likely experience discrimination in more complex ways than someone who is white and trans or someone who is Black and cisgender.

Intersectionality is a way of recognizing how if someone is marginalized in multiple ways, this increases and complicates the ways in which they experience discrimination.

Many 2SLGBTQIA+ people also regularly experience racism, classism, ableism, and other forms of discrimination. These experiences can impact their ability to access services, find and keep employment,

“

*There is no thing
as a single-issue
struggle because
we do not live
single-issue lives.”*

– Audre Lorde

feel at ease in public spaces, and many other daily activities that people with more power and privilege get to take for granted.

When a person is marginalized in multiple ways, this can influence their ability to access meaningful support. It can also impact the likelihood that they'll be believed, taken seriously, or understood within systems of power where unconscious or overt biases exist.

For all of these reasons, it is important to center intersectionality as an overarching principle and lens through which to understand our own experiences and the experiences of others.

Examples of using an intersectional lens:

The rural queer experience: *in Nova Scotia, being a queer person in a rural community brings a very different set of challenges than those found in the city of Halifax. Small towns likely offer fewer, if any, queer-oriented services, there may not be any public spaces created for queer folks, the community may be hostile toward queerness, and there may be less queer visibility in general, making it harder to build community and thrive. Some queer folks living rurally may find deeper bonds with other queer folks through the solidarity of the rural queer experience, but other queer folks may feel isolated and disconnected as a result of their queer identity. The rural experience is further impacted by race, ability, and other intersecting factors. For example, a racialized queer person living in a rural place may face simultaneous transphobia and racism that are exacerbated by the isolation of living in a rural setting.*

The newcomer queer experience: *Newcomers face significant barriers when settling into Nova Scotia. These barriers may be even greater for queer newcomers. Some queer newcomers may arrive as refugee claimants fleeing persecution in their countries of origin due to their sexual orientation, gender identity, gender expression, and/or HIV status. Settling into a new place is difficult for anyone, and navigating new systems and cultures in precarious states is exceptionally difficult. Depending on the immigration pathway that is available, they may or may not be able to access status as a permanent resident, and this can impact what protections and supports are available to them. For example, refugees in Canada are not able to vote, get a passport, travel freely in and out of the country, and do not have some of the same protections and privileges as citizens. Queer newcomers face a daunting and complex number of barriers that can make settling in Canada even more difficult than it is for other newcomer groups.*

As you read through this guide, bear in mind that queer people are so much more than just their queer identity. Our lives are also shaped and impacted by other characteristics such as race, social and cultural background, ability, class and social status, and numerous other factors.

How are our human rights protected in Canada?

In Canada, our human rights are protected through the common law as well as by a number of provincial/territorial and federal statutes. This includes:

- the *Canadian Charter of Rights and Freedoms* (often simply called the Charter),
- the *Human Rights Acts* of each province or territory, and
- the federal *Human Rights Act*.

Did you know? *Canada's human rights laws are based on and inspired by the **Universal Declaration of Human Rights**, which was adopted by the United Nations in 1948. The Universal Declaration of Human Rights is the foundation of **international human rights law**. John Humphrey, a Canadian lawyer and scholar, played an important role in writing this document. The Universal Declaration includes 30 articles which lay out the basic human rights of every human being, including equality and freedom from discrimination.*

The term 'common law' refers to a system of law where legal rules are developed from decisions made by judges in individual court cases. Common law clarifies and helps us understand important human rights concepts.

Statutes (also called legislation) are written laws which are developed by either the provincial or federal government. They become law after being approved by a majority vote of Members of Parliament (MPs) or Members of the Legislative Assembly (MLAs), depending on the level of government.

In the sections below, we cover the *Nova Scotia Human Rights Act* and the *Canadian Human Rights Act* with a particular focus on the addition of sexual orientation, gender identity, and gender expression as characteristics that are protected under these important pieces of legislation. We also provide a brief synopsis of important parts of the Charter.



What is human rights legislation?

Every province and territory in Canada has its own human rights statute, and there is also a federal human rights statute. These statutes are referred to as a *Human Rights Act* or a *Human Rights Code*.

Human rights statutes are designed to ensure that everyone is treated equally and protected from discrimination in situations such as work, shopping at a store, accessing services, studying at an educational institution, buying a house or renting an apartment, and many other day-to-day scenarios.

The reason there are both provincial and federal level human rights statutes in Canada is because of the constitutional division of powers in this country. According to our Constitution, certain subject areas are assigned to provincial governments while others are assigned to the federal government.

Most human rights complaints fall under the jurisdiction of the various provincial/territorial human rights statutes. Only complaints involving federally regulated workplaces and organizations (such as those involving transportation, communications, and banking) will fall under the jurisdiction of the *Canadian Human Rights Act*.

If you feel that you have a human rights complaint involving an organization in Nova Scotia but you aren't sure if it falls under federal or provincial jurisdiction, you can contact either the **Nova Scotia Human Rights Commission** or the **Canadian Human Rights Commission**. Either agency will be able to tell you if your situation falls under their jurisdiction and, if it doesn't, can refer you to the correct agency.



What is the *Canadian Charter of Rights and Freedoms*?

The *Canadian Charter of Rights and Freedoms* (often simply referred to as the Charter) is part of our Constitution, which is considered the supreme law of Canada. The Charter was proclaimed (i.e. became law) in 1982 as part of the *Constitution Act, 1982*.

The Charter sets out our constitutional rights, including equality rights.

Equality rights make up section 15 of the Charter. Section 15 came into force in 1985, three years after the Charter was proclaimed. This three-year delay was to give governments time to ensure that their laws aligned with the equality rights guaranteed by section 15.

When the Charter became law, this meant that our fundamental rights and freedoms have become **entrenched**. This means that these rights form part of Canada's Constitution.

The Charter doesn't apply in everyday situations such as those covered by human rights legislation (for example, rights in the workplace). The rights guaranteed by the Charter apply specifically to government action, for example pieces of legislation.

In section 15(1), the Charter guarantees equal protection and equal benefit of the law to everyone, which means that **freedom from discrimination is a fundamental right under all of our laws and government programs**.

Section 15(2) of the Charter also allows for laws and programs that are intended to improve the conditions of historically disadvantaged groups. These kinds of initiatives are often known as "affirmative action" and might include programs aimed at improving conditions for Indigenous peoples or other groups that have faced historical oppression.

Where does the Charter apply?

Since the Charter is part of our Constitution (the supreme law of Canada), all other laws must align with what the Charter says. This means that if a law contradicts any of the rights guaranteed by the Charter, this law can be struck down in full or in part by a court.

For example, if a statute is discriminatory, or has a section that is discriminatory, a person can challenge this law and potentially have the law changed if the court rules in their favour.

This is known as a **Charter challenge**.

It is important to note that the Charter does not apply to private matters or matters between individuals and organizations such as businesses or service providers. This means that if, for example, a person experienced discrimination at a school or at a store, the Charter would not apply to this situation. Instead, this is a scenario where human rights legislation would apply. We'll go into more detail about human rights legislation below.

The Charter applies specifically to government action. This includes laws, bylaws, and regulations made by the federal, provincial, or a municipal government.

The Charter also applies in situations where one of the parties can somehow be characterized as a public or government entity (for example, the RCMP).

What is a Charter challenge?

Charter challenges are ways in which citizens can challenge government action on the basis that it violates a personal right or freedom.

In terms of equality rights, a Charter challenge may involve a person applying to have a piece of law changed if this law seems discriminatory.

An important example of a Charter challenge related to equality rights is a legal case from 1998 known as *Vriend v. Alberta*. This case is also an important part of queer history in Canada.

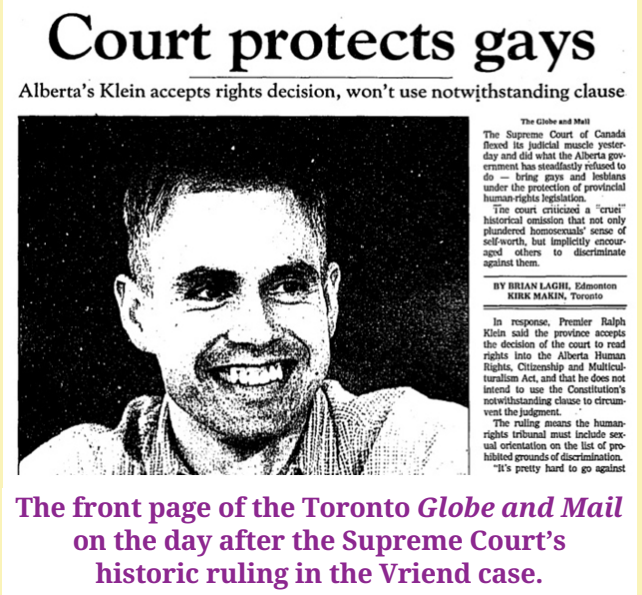
Delwin Vriend worked as a laboratory coordinator at a Christian college in Edmonton. He was fired by the college in 1991 because he was gay.

Vriend tried filing a human rights complaint, but the Alberta Human Rights Commission would not accept his complaint because sexual orientation was not at that time a protected characteristic in Alberta's human rights legislation.

Vriend launched a Charter challenge, arguing that the absence of sexual orientation from Alberta's human rights legislation was a violation of his equality rights under section 15 of the Charter.

Vriend's Charter challenge was successful. The Supreme Court of Canada agreed with Vriend and ordered that sexual orientation be protected under Alberta's human rights legislation.

The Vriend case and many other Charter challenges show us one very important way in which our laws evolve.



The front page of the Toronto Globe and Mail on the day after the Supreme Court's historic ruling in the Vriend case.

Though Charter challenges are not nearly as commonplace as human rights complaints, they have played an essential role in advancing human rights in Canada. Charter challenges are an important way of ensuring that our laws in Canada align with Charter values, including the right to equal treatment under the law.

In addition to equality rights, the Charter also guarantees many other core rights and protections, including democratic rights, fundamental freedoms (such as freedom of the press and freedom of conscience), language rights, Indigenous rights, and rights when interacting with police.

What is the notwithstanding clause?

Section 33 of the Charter is often referred to as the “notwithstanding clause.”

The notwithstanding clause gives federal Parliament and provincial and territorial legislatures the power to pass laws that limit particular Charter guarantees, including fundamental freedoms and equality rights. The notwithstanding clause cannot be used to limit other Charter protections, such as voting rights and language rights.

The intention of the notwithstanding clause is to strike a balance between the power of the courts and the power of government to shape our laws.

When the notwithstanding clause is used, this prevents a court from declaring that a particular piece of legislation is of no force or effect. If the notwithstanding clause is used, the government must justify its use and may face political consequences, particularly at election time.

The notwithstanding clause can limit Charter protections, including equality rights, at least on a temporary basis.

When the notwithstanding clause is invoked, the legislature must clearly state that a particular law is exempt from the Charter. This exemption from the Charter can last a maximum of five years, but it can also be re-enacted at the end of this five years.

At this point in time, provincial or territorial legislatures have rarely used the notwithstanding clause. It has never been used by federal Parliament.

That said, the potential uses of the notwithstanding clause is a topic of great concern to 2SLGBTQIA+ communities, particularly in this era of heightened backlash against protections and rights for trans and gender diverse youth. For example, in Saskatchewan, many 2SLGBTQIA+ activists and allies have been outspoken in response to the movement to use the notwithstanding clause to protect a controversial policy that would require parental consent for youth wanting to update their name or pronouns in schools.

It is beyond the scope of this guide to provide a thorough overview of every aspect of the Charter, but we encourage you to learn more about this important piece of our law and history.

For more information about Charter rights, the notwithstanding clause, and where and how the Charter applies, visit [Canada.ca](https://www.canada.ca).



Aside from Charter challenges, are there other ways that our laws can be changed?

The most common way that the laws change is when our elected representatives propose new bills and these bills get passed through the legislative process. Members of the Legislative Assembly (MLAs) are our elected representatives on the provincial level, and Members of Parliament (MPs) are our elected representatives on a federal level.

Importantly, our elected representatives are there to represent the communities that have elected them. This means that they have a responsibility to listen to and reflect the voices from the district where they were elected.

This means that each citizen has a right to let their elected representative know what matters to them. In other words, your voice and the voice of your community matters. **You can make change happen.**

There are many reasons to advocate for change and meaningful legislative and policy changes that better protect and serve the needs of the 2SLGBTQIA+ community. You may feel called to speak out on issues related to healthcare, inclusive education and school safety, or numerous other issues that are of great importance to queer communities.

And you should speak out! Though it doesn't always feel this way, individuals play a vital role in shaping how our laws and public policies reflect our values and who we are as a society.

Many of the important legal rights that we as queer people now have in Canada have come about because of **individuals and communities raising their voices and letting their leaders know about the importance of these protections.**

This includes human rights protections (notably, the inclusion of gender identity and gender expression as protected characteristics), the conversion therapy* ban that now exists in Canada, and changes that let people have a gender marker on ID documents that better matches who they are as a person.

Laws change over time, but only when people recognize the importance of this kind of evolution and speak out about what changes are needed.

If you are interested in advocating for legislative or social policy change, we encourage you to read *We Have Power: A Guide to Engaging with Your MLA and Using Your Voice for Change*.

We Have Power is a resource that we created to help members of the public understand how to use their individual voices to advocate for legislative and policy reform on issues that matter to them and to their communities. You can find the *We Have Power* guide and related resources at legalinfo.org/wehavepower.

Where does the *Nova Scotia Human Rights Act* apply?

The *Nova Scotia Human Rights Act* applies when someone has faced discrimination:

- **on the basis of a protected characteristic** (such as race, sexual orientation, or gender identity) and
- **in a protected area** (such as a workplace, a store where you are buying goods, and other situations which we will expand upon below).

Additionally, in order for the Nova Scotia Human Rights Commission to accept a complaint, you must demonstrate that you have faced negative treatment *because* of a protected characteristic. In other words, you must be able to show **a reasonable link between your protected characteristic and the unfair treatment you have experienced.**

Not all forms of negative treatment will be considered discrimination under the law. For example, if you feel like your boss is bullying you, this does not necessarily form the basis for a human rights complaint unless it is clear that they have targeted you because of a protected characteristic.

When you contact the Nova Scotia Human Rights Commission, they will listen to your story and assess whether they are able to accept a complaint. The Commission may require more information or for you to take some further steps before proceeding with a complaint. Or the matter may fall outside the Commission's jurisdiction, which means they would not be able to proceed with a complaint.

We will go into this in more detail below, but we'll first take a look at protected characteristics and protected areas.



The Nova Scotia Human Rights Commission will listen to your story and assess whether they are able to accept a complaint.

What characteristics are protected under the Nova Scotia Human Rights Act?

A protected characteristic is best understood as an essential aspect of a person's identity. Protected characteristics are aspects of people that are often targeted in acts of discrimination, such as a person's race, gender, or sexual orientation.



The *Nova Scotia Human Rights Act* includes the following protected characteristics:

- age
- race
- colour
- religion
- creed
- sex (which includes both gender and pregnancy)
- sexual orientation
- gender identity and gender expression
- physical or mental disability
- an irrational fear of contracting illness (for example, discrimination faced by people with HIV/AIDS in the era when this illness was not well understood)
- ethnic, national, or aboriginal origin
- family status (for example, facing disadvantage because you are a parent)
- source of income
- political belief, or
- association with anyone who would fall under the category of any of the above characteristics.

The *Nova Scotia Human Rights Act* also forbids sexual harassment or harassment on the basis of any of the protected characteristics.

It is important to note that not all of these characteristics have been protected since the Act was first made law in 1963. For example, sexual orientation was added as a protected characteristic in 1991. Gender identity and gender expression were both added in 2012.

When a characteristic is protected, this means it is illegal to discriminate against someone based on this characteristic in any of the protected areas that we'll talk about next.

What are the protected areas under the Nova Scotia Human Rights Act?

The *Nova Scotia Human Rights Act* applies in spaces and situations that are known as “protected areas.” They are called this because they are areas of life in which human rights legislation protects against discriminatory treatment.

The *Nova Scotia Human Rights Act* applies in the following areas:

- in employment situations
- in volunteer work
- in the provision of accommodation (for example, renting an apartment),
- the purchase or sale of property,
- in the provision of goods and services to the public (for example, shopping at a store or getting a service such as education, electricity, a haircut, and numerous other examples),
- membership in professional organizations, and
- in publications, broadcasts, or advertisements.

In order to file a human rights complaint under the *Nova Scotia Human Rights Act*, the organization that you wish to complain about **must fall under provincial jurisdiction**.

Most stores, service providers, and employers will fall under provincial jurisdiction, but some do not (for example, banks and telecommunication services, which are federally regulated).

You can check with the **Nova Scotia Human Rights Commission** if you are uncertain whether your complaint falls under their jurisdiction.

How can I file a human rights complaint in Nova Scotia?

In order to file a human rights complaint, you can contact the **Nova Scotia Human Rights Commission**. A Human Rights Officer will be able to guide you through the steps in the complaint process.

The first step is to fill out an inquiry form which will help Commission staff assess whether you have a potential complaint. You can access this form here: humanrights.novascotia.ca/making-inquiry.

It can also be useful to use the Commission’s **complaint self-assessment tool** which will help you better understand if you likely have an issue that the Commission could address.

The next step after you complete the inquiry form is that a Human Rights Officer will assess the information that you have provided in order to determine whether the Commission can accept a complaint. Some of the factors that the Human Rights Officer will consider include:

- Whether the matter falls under their jurisdiction (for example, if it happened in an area that is provincially regulated, such as a store, a school, a tenancy situation, or most workplaces)

- How long ago the alleged discrimination happened
- If there is a clear link between the harm that happened and your protected characteristic.

If the Commission is able to accept a complaint, then you will be given an opportunity to fill out a complaint form. In your complaint form, you can provide information about your experience, how it impacted you, and what steps you would like to see happen in order to address the harm that has happened.

For more information about the Commission's process, you can visit humanrights.novascotia.ca/process

How long do I have to file a human rights complaint?

In order for the Commission to proceed with a complaint, you must file your complaint **within a 12-month period** of the last date of alleged discrimination.

Many experiences of discrimination involve a pattern of behaviour that happens over a period of time. The 12-month window does not mean that your entire experience needs to have occurred within the last year. It solely means that the **last** incident of discrimination must have taken place within the last calendar year.

In exceptional circumstances, the Commission may accept a complaint about a matter that has happened within the last 24 months. Exceptional circumstances are circumstances that would prevent a person from filing their complaint within the 12-month window (for example, significant health issues or other life-impacting circumstances).

What is a *prima facie* case of discrimination?

To file a human rights complaint, you must be able to establish a reasonable connection between the negative treatment that you have experienced and your protected characteristic. This is what's known as a **prima facie** case.

Prima facie is a Latin phrase meaning "on its face" or "at first appearance." To have a *prima facie* case, you must be able to present some evidence or indication that discrimination likely happened.

This does not mean that you need to have solid documentary evidence right away or witness statements that can confirm or corroborate your story. Your story itself is what is important, and in particular whether there is a link between the harm you've experienced and your protected characteristic.

At the complaint assessment stage (also known as the intake stage), what is most important is sharing the details of your experience and why you feel it was discrimination. Concrete information and evidence that can confirm your complaint become more relevant later in the human rights complaint process, at the investigation stage.

What is the early resolution process?

In some circumstances, the Commission will use an early resolution process to address a complaint. This can happen if a Human Rights Officer believes on reasonable grounds that discrimination may have happened.

An early resolution can happen at any stage in the complaint process, including at the intake stage or during an investigation.

An early resolution process is used in situations such as when the person filing the complaint is facing immediate and serious consequences like eviction or loss of employment. It can also be used in situations where the Human Rights Officer has reason to believe that the issue could be resolved swiftly and without the need for a potentially lengthy process.

To learn more about early resolution, visit humanrights.novascotia.ca/early-resolution.

What happens in a human rights complaint investigation?

At the investigation stage, an investigating Human Rights Officer will look at all aspects of a complaint. This includes information provided by the Complainant (the person who has filed the complaint) and information provided by the Respondent (the organization that is the object of the complaint).

The Human Rights Officer will review and analyze all relevant information, including any documentation that can help them understand what happened. They will also speak to people who have been involved or impacted. This may include witnesses to what happened and people in the organization who can provide other relevant information and context.

What counts as evidence depends on the nature of the case itself, but evidence might include:

- emails
- text messages
- video, photographs, or audio recordings
- any other relevant written documents
- witness accounts (including those who have directly witnessed incidents as well as those who can provide other relevant information, such as information about a pattern of behaviour)
- any other information that can provide important context and clarity on what happened.

The Human Rights Officer does not represent one side or the other in the investigation process. Their role is to assess whether or not the *Human Rights Act* has been violated.

You can choose to have a lawyer who represents you in the investigation process, but having a lawyer is not a requirement.

A human rights complaint investigation may conclude in various ways.

The Nova Scotia Human Rights Commission is committed to using restorative approaches whenever possible when handling complaints. This means that the Human Rights Officer who investigates the complaint may facilitate a **Resolution Conference** in order to help resolve the complaint.

A Resolution Conference is a process through which those who have been involved in or impacted by alleged discrimination have an opportunity to share their experiences, understand the impact of what has happened, and work together to find a meaningful solution.

A Resolution Conference may result in a resolution to the complaint if both sides are able to agree on a meaningful path forward. This may include financial compensation, human rights education, or other terms that the parties agree on.



A Resolution Conference is not appropriate in every situation, for example if there is a significant power imbalance between the two sides in a dispute. If you are going through a human rights complaint process, your Human Rights Officer can explain the process in detail with you and discuss options for investigating your complaint.

Some human rights complaints are not resolved through a Resolution Conference or other investigative process used by the Nova Scotia Human Rights Commission.

For example, some complaints may be dismissed because the investigation reveals no evidence of discrimination.

Other complaints may be referred to a **Board of Inquiry**. A Board of Inquiry is a public hearing in which a Board Chair reviews the evidence (including all documentary evidence and witness statements) and determines whether discrimination has occurred. You can visit humanrights.novascotia.ca to read past Board of Inquiry decisions in Nova Scotia.

For more information about the Nova Scotia Human Rights Commission's dispute resolution process, you can visit the Commission's own **FAQ**.

Where does the *Canadian Human Rights Act* apply?

Similar to the *Nova Scotia Human Rights Act*, the *Canadian Human Rights Act* applies when someone has experienced discrimination in a protected area due to a protected characteristic.

The *Canadian Human Rights Act* applies when someone has faced discrimination:

- **on the basis of a protected characteristic** (such as race, sexual orientation, or gender identity) and
- **in a protected area** (such as a federally regulated workplace or other areas and situations which we will expand upon below).

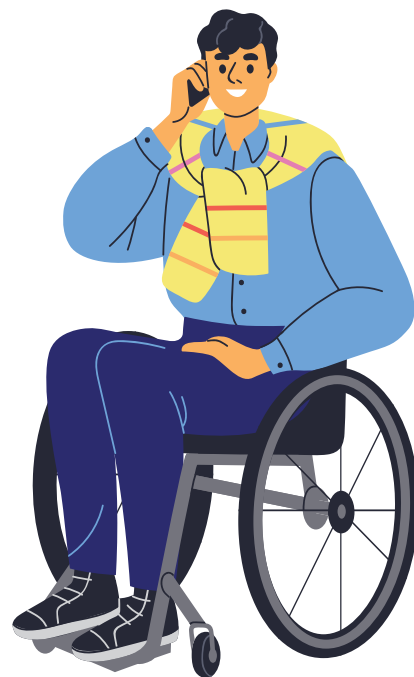
Additionally, in order for the Canadian Human Rights Commission to accept a complaint, you must demonstrate that you have faced negative treatment in a protected area and because of a protected characteristic. In other words, you must be able to show **a link between your protected characteristic and the unfair treatment you have experienced**.

The Canadian Human Rights Commission will look at whether you have presented a *prima facie* case of discrimination in assessing whether they can accept a complaint. You can refer to the information we have included above in the Nova Scotia Human Rights Commission section to better understand what this concept means.

Like the Nova Scotia Human Rights Commission, the Canadian Human Rights Commission does not represent either side in a complaint. When either organization investigates a complaint, they will gather information from both the Complainant (the person filing the complaint) and the Respondent (the organization complained about).

The Canadian Human Rights Commission handles complaints from all over Canada, so most complaints are handled through written correspondence and phone calls. Sometimes the Canadian Human Rights Commission will use mediation as a way of resolving complaints, which will usually happen over video conference.

For more detailed information about the Canadian Human Rights Commission, you can visit their online **FAQ**, which includes information about what qualifies as a human rights complaint and the complaint process.



What areas are covered by the *Canadian Human Rights Act*?

The *Canadian Human Rights Act* prohibits discrimination in a variety of contexts that fall under the federal scope, including:

- the provision of goods and services;
- residential accommodations or commercial premises;
- workplaces and matters related to employment (for example, employment advertisements and applications);
- employee organizations.

What kinds of organizations fall under federal jurisdiction?

As noted above, the *Canadian Human Rights Act* applies only to organizations which are federally regulated.

For example, if you believe that you have experienced discrimination by the police, you would speak to the Canadian Human Rights Commission if you were dealing with the RCMP, but the Nova Scotia Human Rights Commission if you were dealing with the municipal police. The difference is that the RCMP falls under the federal jurisdiction, whereas the local police fall under the provincial scope.

Other organizations that fall under the federal jurisdiction include:

- federal government departments, Crown corporations and agencies
- air transportation, including airlines, airports, aerodromes and aircraft operations
- banks, including authorized foreign banks
- grain elevators, feed and seed mills, feed warehouses and grain-seed cleaning plants
- First Nation governments (including certain community services on reserve)
- most federal Crown corporations (for example, Canada Post)
- port services, marine shipping, ferries, tunnels, canals, bridges and pipelines (oil and gas) that cross international or provincial borders
- radio and television broadcasting
- railways that cross provincial or international borders and some short-line railways
- road transportation services, including trucks and buses, that cross provincial or international
- telecommunications, including telephone, Internet, telegraph and cable systems
- uranium mining and processing and atomic energy
- any business that is “vital, essential or integral to the operation” of one of the above activities.

Sometimes jurisdiction can be difficult to determine, particularly when an organization has characteristics that seem like they fall under federal power and characteristics that seem more provincial in nature. If you are uncertain as to whether your complaint is federal in nature, you can contact the **Canadian Human Rights Commission**. They can let you know if your complaint falls within their jurisdiction, and if not, can direct you to the correct agency.

What characteristics are protected under the *Canadian Human Rights Act*?

Earlier in this guide, we discussed the characteristics that are protected under the *Nova Scotia Human Rights Act*. These characteristics are slightly different from the characteristics which are protected under the *Canadian Human Rights Act*.

Under the *Canadian Human Rights Act*, discrimination is prohibited on the basis of:

- race
- national or ethnic origin
- colour
- religion
- age
- sex (including both gender and pregnancy)
- sexual orientation
- gender identity and gender expression
- marital status
- family status
- genetic characteristics (for example, the likelihood that someone may develop a particular disease or condition, as determined through genetic testing).
- disability, and
- conviction for an offence for which a pardon has been granted.

The *Canadian Human Rights Act* also forbids sexual harassment, as well as harassment on the basis of any of the characteristics listed above.

If you feel that you have experienced discrimination in a protected area covered by the *Canadian Human Rights Act*, you can contact the Canadian Human Rights Commission for more information. You may also wish to complete their [online self-assessment tool](#) to see if your complaint likely falls within the federal Commission's scope.

How long do I have to file a human rights complaint on the federal level?

Human rights complaints must be filed within a 12-month window of the last date of alleged discrimination. In certain exceptional circumstances, such as prolonged illness, the Canadian Human Rights Commission may consider complaints from outside of this time period.

Are 2SLGBTQIA+ people protected under our human rights legislation?

2SLGBTQIA+ people are protected from discrimination in all areas covered by the *Nova Scotia Human Rights Act* and the *Canadian Human Rights Act*.

As we have noted above, sexual orientation, gender identity, and gender expression are all protected characteristics under these important pieces of legislation.

Laws, including statutes, evolve over time and get updated. It is the nature of human rights legislation to expand to include additional protected characteristics when these are recognized as essential.

Sexual orientation was added to the *Nova Scotia Human Rights Act* in 1991. Sexual orientation was added to the *Canadian Human Rights Act* in 1996.

Gender identity and gender expression were added to the *Nova Scotia Human Rights Act* in 2012. Gender identity and gender expression were added to the *Canadian Human Rights Act* in 2017.

Importantly, other core characteristics are also protected by federal and provincial/territorial human rights legislation. What characteristics are protected vary slightly in wording from province, but include aspects of a person's identity such as race, disability, Indigenous, national, or ethnic origin, family status, and other important qualities that define a person's sense of self.

As we noted at the beginning of this guide, **intersectionality** is an important concept and tool that has been used by judges, including at the Supreme Court of Canada level, to help understand the ways in which discrimination can be complex both in how it manifests and in its impact. It is not uncommon for human rights complaints to concern multiple grounds of discrimination, for example both race and sexual orientation.

We recognize that someone who experiences discrimination on multiple grounds may have additional challenges in place that make it difficult to access meaningful justice and support. For all the advances that have happened in human rights, this does not always translate to equity, fairness, and inclusion in all the spaces we share.

It is also important to recognize that it has often been marginalized voices themselves who have had to stand up and speak out about the need for laws and policies that better protect our most at-risk populations.

The inclusion of sexual orientation, gender identity, and gender expression as protected characteristics in both Nova Scotia and on the federal level came about as the result of tireless work of many activists and advocates who saw how vital it was to recognize and protect some of our most vulnerable communities under the law.

These additions also happened because of the shift in our legal, cultural, and societal understanding of queerness as a core part of a person that deserves human rights protection.

These shifts in understanding happened slowly. As members of the queer community, we know all too well that acceptance is not as widespread as it would be in a safer, more just world. Many of us have faced discrimination on a relatively regular basis, including acts of hatred and violence.

The addition of sexual orientation, gender identity, and gender expression to our human rights legislation means that it is illegal to discriminate against a person on the basis of these characteristics in any of the protected areas.

If someone experiences discrimination on the basis of a protected characteristic (including gender identity, gender expression, sexual orientation, or any other protected characteristic) in a protected area, they can contact the relevant Human Rights Commission to discuss filing a human rights complaint.

To make this clearer, let's look at some examples of potential human rights complaints:

A Black trans woman applies for an apartment in a new building in Halifax. The landlord is friendly over email but when he meets her in person to show her the apartment, he makes a transphobic comment, then claims the apartment has already been rented. She is fairly certain this harmful experience is informed by both her race and her gender identity/expression.

A queer man feels uncomfortable with the homophobic comments and jokes regularly made by a couple of his coworkers in the office's breakroom. He talks to his manager, who refuses to do anything about these concerns and tells him to "toughen up."

A non-binary person who works in a pharmacy decides to come out at work and lets their supervisor know their new name and that their pronouns are they/them. They ask for an updated name tag. The supervisor gives a dismissive answer and continues to refer to them by the incorrect pronouns and name on a regular basis in front of staff and clients.

A Two-Spirit person who feels aligned with femininity uses the women's washroom at a restaurant. The manager stares at her when she walks back to her table, makes a comment about her body and her feminine clothing, and suggests she should leave. She has heard from community members that this manager has negative views about Indigenous people, so is disappointed to realize that this may indeed be true.

These examples are of situations in which aspects of these acts of discrimination are relatively clear and overt.

That said, we all know that discrimination is not always as obvious or openly spoken as it is in these examples. We also know that when different aspects of discrimination intersect – for example, both racism and transphobia – it can be hard to explain the nuances of each element. It can also be challenging and stressful to explain the impact of these intersecting harms to those who are working from a position of privilege and do not have a similar lived experience.

Let's look at an example where discrimination takes more subtle forms:

A trans woman who recently transitioned at work is concerned that her employer didn't give her the promotion that she applied for because she is trans. She is someone with an invisible disability too, and wonders if perhaps this was also a factor in their decision, as she has on occasion needed to take a sick day related to health concerns. She has excellent qualifications, but the employer instead promoted someone who has significantly less relevant experience but who is cisgender. She has noticed a pattern of being denied opportunities and being treated differently than cisgender coworkers by management since she started presenting as her authentic self at work. Though no one has said anything explicit about her gender expression, her intuition tells her that she is experiencing discrimination.

When discrimination takes more subtle forms, this does not mean that a person is not able to file a human rights complaint. But it does mean that when this person contacts the Commission, **they should be clear about why they feel they are experiencing discrimination**. For example, they may wish to describe the pattern of behaviour that shows that they have been treated differently than others and how this is likely connected to one or more protected characteristics.

As we discussed earlier in this guide, a person does not immediately need to provide evidence of discrimination in order to file a human rights complaint at the intake stage. Evidence becomes more relevant at later stages in the process.

It's important to recognize that one challenging aspect of both internal workplace investigations and the human rights complaint process is that sometimes it can be difficult to collect evidence that confirms that discrimination happened.

In our justice system, most processes are rooted in the idea of substantiation, meaning that a claim must be supported by some form of evidence in order for particular outcomes and remedies to be possible.

We encourage you to look at Nova Scotia [Human Rights Board of Inquiry decisions](#) to see how a Board Chair assesses evidence and applies the law to determine whether or not there has been a violation of the *Human Rights Act*. The standard used in this decision-making process is the “balance of probabilities” threshold, which means that the evidence shows it is more likely than not that the claim is true.

Many queer people (and people of all marginalized identities) experience discrimination and harm in subtle ways. These experiences are not always easy to substantiate.

For example, some experiences of discrimination involve harmful comments or behaviours made by one person to another without anyone else present or any documentation. This can make the path to justice and resolution complex and potentially challenging.

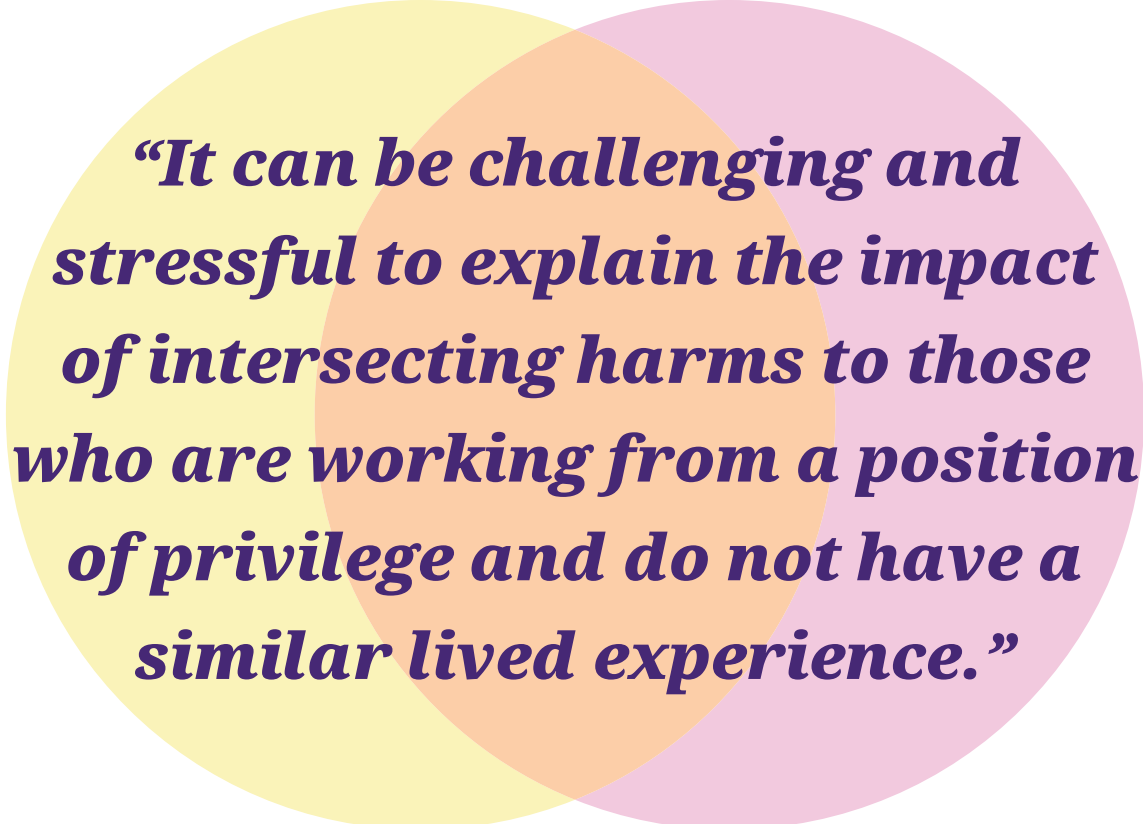
We feel for those who have experienced harm but who may encounter barriers to meaningful resolution if there is no available evidence to confirm what happened.

We also feel for those who may be reluctant to go through any kind of investigation process because they fear that they will have to relive a traumatic experience through having to retell their story.

We also empathize with queer folks who choose not to file a formal complaint of any kind because they're not out in their workplaces and would feel vulnerable if people in positions of power knew how they were personally affected by queerphobic or transphobic harm.

Any complaint or traditional justice-oriented process can be complicated and may have many factors and considerations that a person needs to balance as they decide what steps forward are right for them.

We recognize that not everyone has the means to afford a lawyer (and we will note again that a lawyer is not required for filing a human rights complaint). For those who do want to seek out legal advice to help them make an informed choice about their rights and any potential next steps, you can find a lawyer through the Legal Information Society of Nova Scotia's [Lawyer Referral Service](#).



“It can be challenging and stressful to explain the impact of intersecting harms to those who are working from a position of privilege and do not have a similar lived experience.”

Can harmful action against the 2SLGBTQIA+ community constitute a criminal offence?

Some actions targeting the 2SLGBTQIA+ community can result in criminal charges under the law in Canada in particular contexts. This includes hate crimes against queer people, as well as conversion therapy* practices.

Canada's conversion therapy* ban

In 2022, Canada added new provisions to our *Criminal Code* that address the harmful practice of conversion therapy.*

When we refer to conversion therapy,* we use an asterisk (*) next to the word therapy as a way of recognizing that this practice is not legitimately a form of therapy. Conversion therapy* is an inherently harmful practice that seeks to suppress or alter an essential aspect of an individual's identity and sense of self. Conversion therapy* is not recognized as a credible practice by any reputable or accredited medical or therapeutic organization or governing body.

Conversion therapy* is intended to change a person's sexual orientation, gender identity, or gender expression and is rooted in homophobic and transphobic ideas about acceptable behaviours and identities.

The conversion therapy* ban came into force on January 7, 2022 and means that it is now illegal in Canada to provide, promote, or profit off of the practice of conversion therapy.*

The conversion therapy* ban means our *Criminal Code* has been updated to include the following four criminal offences:

1. Causing another person to undergo conversion therapy*;
2. Doing anything for the purpose of removing a child from Canada with the intention that the child undergo conversion therapy* outside Canada;
3. Promoting or advertising conversion therapy*; and
4. Receiving a financial or other material benefit from the provision of conversion therapy.*

We have covered Canada's conversion therapy* ban in depth in a recent publication entitled *Let Me Be Me: A Legal Information Guide to Canada's Conversion Therapy* Ban*, which we encourage you to read to learn more. *Let Me Be Me* includes first-voice perspective from survivors of conversion therapy*, as well as information both about the ban and the harms of this practice.

You can access *Let Me Be Me* and related resources here legalinfo.org/letmebeme

Hate crimes against the 2SLGBTQIA+ community

It is beyond the scope of this guide to provide in-depth information about hate crimes and criminal law. We have included this short section because we felt it important to note that our *Criminal Code* has provisions that specifically address crimes motivated by hatred, including hatred of people on the basis of sexual orientation, gender identity, and gender expression.

Importantly, in 2017, when gender identity and gender expression were added to the *Canadian Human Rights Act*, they were also added to the hate crime provisions within the *Criminal Code*.

Hate crimes are covered in the Hate Propaganda sections of the *Criminal Code*. This includes offences such as Advocating Genocide, Public Incitement of Hatred, and Willful Promotion of Hatred.

Hate crimes are criminal acts that are motivated wholly or in part by hatred toward an identifiable group of people. This includes acts motivated by bias against colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.

Hate crimes can include both non-violent and violent crimes. If a crime has a hate component, this may count as what is known as an “aggravating factor” when someone is sentenced. In other words, if found guilty, this person may be given a more serious sentence than they would receive otherwise.

Hate crimes have unfortunately been shown to be on the rise in Canada, including attacks against members of the 2SLGBTQIA+ community. To learn more about hate crimes, including facts, trends, and statistics, visit rcmp.ca/en/corporate-information/publications-and-manuals/hate-crimes-and-incidents-canada

2SLGBTQIA+ human rights in Canada: milestones and setbacks

The following is a timeline of a number of significant developments from the 2SLGBTQIA+ rights movement in Canada. We’ve included some examples of notable legal cases, changes to the law, and events that sparked social and cultural change. We’ve also included some recent developments that have sparked concern and fear for many members of the queer community, including changes to pronoun policies in schools.

It is beyond the scope of this guide to detail every single event and case that have contributed to the advancement of and continuing struggle for queer rights in Canada. What is important is to recognize that every milestone was reached thanks to countless hours of individual and collective struggle, resistance, organizing, and protest.

We encourage you to delve deeper into this important history and the role it has played in where we are today. We’ve included some resources at the back of this guide where you can learn more about the queer rights movement and the people who have played a vital role in advancing queer justice.

TIMELINE:



1950s - 1960s: Anti-gay purges and state surveillance — During these decades, the Canadian government targeted workers in the civil service, RCMP, and military if they were suspected of homosexuality, which was considered a “character defect” that could make someone susceptible to blackmail and thus a threat to national security. During this time, the RCMP conducted numerous investigations using extreme questioning tactics and assessment tools such as the “fruit machine” (a series of psychological tests based in pseudo-science). These investigations resulted in criminalization, job losses, demotions, dishonourable discharges from military service, and a general climate of scrutiny and fear. The harmful actions of this era were the subject of the federal government’s 2017 apology (*see next page*).



May 14, 1969: Amendments were passed to our *Criminal Code* that decriminalized same-gender sex acts. Before this, consensual sex between men was illegal in Canada. In proposing this update, Pierre Trudeau, who was the Prime Minister at this time, famously made the statement that **“there is no place for the state in the bedrooms of the nation.”**



1965-1971: Everett Klippert, a Calgary bus driver, was the last person imprisoned for homosexuality. Klippert acknowledged to police that he had consensual sex with other men, which resulted in him being found to be a “dangerous sex offender.” He was imprisoned in 1965 and released in 1971.



February 5, 1981: The Bathhouse Raids — On this date, patrons of four bathhouses in downtown Toronto (most of them gay men) were accosted by police officers in a series of coordinated raids called “Operation Soap.” Bathhouse patrons were handled with excessive force by police, who also made homophobic verbal taunts. 286 men were charged for being found in a common bawdy house (a brothel), while 20 were charged for operating a bawdy house. The raids marked a turning point for Toronto’s queer community. In the protests that followed, members of the queer community were vocal in stating they would no longer endure derogatory treatment and discrimination from police.



1990: The term Two-Spirit was coined at the third annual Intertribal Native American, First Nations, Gay and Lesbian American Conference in Winnipeg. The term created space for Indigenous 2SLGBTQIA+ people to express aspects of their identity outside of terms from settler languages that impose non-Indigenous understandings of gender and sexuality.



1991/1998: Delwin Vriend, who worked as a laboratory coordinator at a Christian college in Edmonton, was fired by the college in 1991 because he was gay. Vriend tried filing a human rights complaint, but sexual orientation was not then a protected characteristic in Alberta’s human rights legislation. Vriend launched a Charter challenge, arguing that the absence of sexual orientation from Alberta’s human rights legislation was a violation of his equality rights under the Charter. In 1998, the Supreme Court of Canada decided in favour of Vriend and ordered that sexual orientation be protected under Alberta’s human rights legislation.



1991: Sexual orientation was added as a protected characteristic in the *Nova Scotia Human Rights Act*.



1992: Joshua Birch, a former Captain in the Canadian military, filed a human rights complaint after being discharged from the military for disclosing that he was gay. He successfully argued that the omission of sexual orientation from the *Canadian Human Rights Act* violated the equality provisions in the Charter. As a result of this case, the ban on queer people serving in Canada's military was lifted, meaning queer members of the military can serve openly and live on-base with their partners.



1992: In 1992, Canadian Blood Services introduced a policy that banned gay and bisexual men from donating blood for their entire lifetimes. This was grounded in the argument that men who have sex with men are a risk for transmitting HIV/AIDS. Over the next thirty years, many activists, advocates, and health researchers argued that this was overly broad and that any restriction should be based on behaviour and scientific evidence rather than sexual orientation.



1996: Sexual orientation was added as a protected characteristic in the *Canadian Human Rights Act*.



June 28, 2005: The *Civil Marriage Act* was passed on the federal level, making same-gender marriage legal in Canada. Canada was the fourth country in the world to recognize the rights of same-gender couples to marry.



2012: Gender identity and gender expression were added as protected characteristics in the *Nova Scotia Human Rights Act*.



2017: Gender identity and gender expression were added as protected characteristics in the *Canadian Human Rights Act* and added to the hate crime provisions within the *Criminal Code*. Also during this year, Nunavut, the Yukon, and New Brunswick become the final three provinces/territories in Canada to add gender identity to their human rights statutes. Gender identity is now a protected characteristic in every jurisdiction in Canada.



November 28, 2017: Prime Minister Justin Trudeau delivered a **historic apology to 2SLGBTQIA+ Canadians** on behalf of the federal government for the state surveillance and related acts of discrimination that happened in the 1950s and 1960s. With this apology came a financial settlement for those who were impacted and a commitment to clearing the criminal records of queer people in the civil service, military, and RCMP who were prosecuted for their consensual sexual relationships.



July 19, 2019: On this date, the Province of Nova Scotia implemented changes that broadened the options and created a more accessible process for updating gender markers on provincial ID documents, including driver's licences and birth certificates. These changes included the addition of an X gender marker and the option not to have a gender marker displayed at all on these

pieces of ID. These changes also included getting rid of the requirement that a person provide a letter from a medical professional or social worker in order to update their gender marker, as well as creating a process for people who were born outside Nova Scotia to update their gender marker in this province. These changes also included waiving the fee for a new piece of ID with an updated gender marker.



2019-2024: In 2019, Canadian Blood Services' blood ban policy was modified to allow men who have sex with men to donate blood after a three-month period of abstinence. Many activists and advocates were outspoken that this still perpetuated the stigmatization of queer men. Despite scientific evidence demonstrating that modern screening methods made the abstinence restriction overbroad and unnecessary, the ban remained a painful reminder of systemic discrimination. In 2022, Canadian Blood Services ended the blanket deferral period, switching to a behaviour-based screening approach instead. In 2024, Canadian Blood Services offered an apology to the 2SLGBTQIA+ community for the harms caused by the blood ban, including the impact on those who were prevented from donating and the fact that the ban contributed to a public perception that a person's blood is somehow unsafe because of their sexual orientation.



January 7, 2022: On this date, new federal legislation came into force that made it illegal to practice, promote, or profit from conversion therapy* practices that aim to change an individual's sexual orientation, gender identity, or gender expression. The legislation also bans taking minors out of Canada for the purpose of undergoing conversion therapy* abroad. This law marked a significant step in protecting 2SLGBTQIA+ individuals from harmful practices that have been discredited and condemned by major medical organizations worldwide.



May 19, 2023: The Supreme Court of Canada (SCC) issued an important decision in the *Hansman v Neufeld* case. This case concerned a defamation suit in which Barry Neufeld, a school board trustee in British Columbia, sued Glen Hansman, president of the BC Teachers' Federation. Neufeld had made a series of homophobic and transphobic comments about BC's inclusive school curriculum. Hansman responded with strong criticism, calling for Neufeld's resignation and saying his comments were close to hate speech. In its decision, the SCC sided with Hansman, who had applied to get the defamation suit dismissed. This decision represents the first time the SCC recognized the particular vulnerability of trans people. It is also noteworthy because it affirms the importance that people be free to call out hate speech and bigotry.



September, 2023: The Premier of Saskatchewan announced his intention to use the notwithstanding clause to protect a controversial policy requiring parental permission for trans, non-binary, and other gender diverse youth to update their names or pronouns at school. This was in response to a court challenge brought against this new education policy on the basis that it violated equality rights and created unsafe conditions where 2SLGBTQIA+ youth might be outed to unsupportive families. Similar policies have been introduced or announced as expected in both New Brunswick and Alberta, where we may also see increased restrictions around access to gender-affirming healthcare for youth.

Self-advocacy: letting your voice and your concerns be heard

The first step in any kind of meaningful inclusion or fight for acceptance is that a person chooses to speak up about an issue that matters to them or others they care about.

As queer people, we are part of a community that has a long history of advocacy and activism. This legacy has brought about many important changes to society, culture, and the law.

As queer people, we are also often tasked with being our own advocate on an individual level.

It can be exhausting to have to be your own advocate and fight for inclusion and fairness for yourself and your community. But this can also be an immensely powerful experience. Our lives individually and as a community are made better as a result of people bringing their concerns and their authenticity to the spaces that we share.

We encourage you to also read our section on collective care, queer community, chosen family, and solidarity to learn more about how to survive and thrive when advocating for yourself.

The following section on self-advocacy focuses on steps we can each take on an individual level when conflict or concerns occur in the spaces that are part of our daily lives - most notably our workplaces.

Human rights protections exist in the workplace. But in order to have these rights recognized, sometimes we have to speak up for ourselves and navigate potentially difficult conversations.

For example, maybe you have new pronouns that you want your employer to know about. Or maybe you are concerned about a coworker who asks inappropriate questions about your partner or your body.

It is important to understand what your rights are and also have some tools and strategies that you can bring to conversations that may be difficult or that might make you feel vulnerable.

In the next section, we'll look at navigating outness at work. This includes pronoun and name updates, navigating difficult conversations with your employer, and tips for self-advocacy.



Coming out at work: rights and considerations

The decision of whether or not to be out as a queer person at work can be incredibly complex and personal.

For some queer folks, being out at work presents safety concerns. For some of us, we don't know if we're going to be accepted and do not want to take this risk.

For others, we choose not to be out because we don't want to be tokenized by our employer or treated as different. We may also not want to put ourselves in the awkward position of having to navigate straight cisgender coworkers' questions or curiosity about all things queer.

You do not owe anyone outness. And you never have to justify the very personal decision of not being out at work. Whatever your reasons are, your reasons are valid.

Other folks choose to be out at work for various reasons.

For some of us, being out at work is a point of pride. Some of us may work in nurturing environments where authenticity and diversity are valued.

Others may choose outness because we want our visibility to play a part in changing the culture and fostering safer spaces for everyone.

Others are out at work not through their own choice. For some, particularly for those who want to "pass" but don't or can't according to cisnormative standards, there is no meaningful choice about being out at work.

Others may be outed without their consent by others in the workplace. This can be a common harmful experience in small communities where people might know each other or know of each other outside of work.

Whatever the reason or circumstance for being out at work, you deserve to be treated with dignity and respect. You deserve to feel valued, included, and safe.

As queer people, we have the right to be treated equitably and fairly in our workplaces. This means not being singled out or facing disadvantage or harassment on the basis of our sexual orientation, gender identity, or gender expression.

In practical terms, this means that in the workplace (and all areas covered by human rights legislation), 2SLGBTQIA+ people should always:

- have their gender identity and gender expression (including pronouns and names) respected;
- not be asked intrusive questions about their intimate relationships or sexual preferences;
- not be subjected to homophobic or transphobic comments, or any kind of discriminatory comments about 2SLGBTQIA+ people;
- feel safe in accessing the washroom that best corresponds with their gender identity (or a gender-neutral washroom);

- not be harassed based on their gender identity or expression (for example, asked unreasonable and invasive questions about their bodies); and
- be treated with the same degree of dignity and respect as cisgender people.

Navigating pronoun and name updates at work

Letting an employer know personal updates like name and pronouns is a big step and one that can feel overwhelming. This can be particularly true when we don't know what kind of response we'll get.

There is no single right way to update your employer about your name and pronouns. It's important that you do this in a way that is right for you.

You may feel fine letting your direct supervisor know in a one-on-one meeting, or maybe you feel more comfortable sending them an email. Whatever way you choose to navigate this conversation is valid.

Some employers have proactive processes in place with simple steps for updating these pieces of information. For example, Human Resources may have a form in print or online that you can fill out with any and all personal updates, such as address change, emergency contact, name change, pronouns, and other pieces of information that an employer may need to know.

When you update your employer about your name and/or pronouns, you may have ideas about how you'd like this information shared. For example, if you work in a small workplace where everyone knows each other's names, you may want all your coworkers to be aware of your updates so they can refer to you correctly.

You might choose to share your new name and pronouns with all your coworkers yourself if you feel comfortable doing so. Part of this may involve updating your email signature with this new information or getting a new name tag with this information corrected.

Some employers may have creative ideas about how to support you in sharing these updates. For example, your direct supervisor may offer to let you share this information at the next staff meeting. Or your supervisor may offer to share it on your behalf.

If your employer is having trouble getting your name pronouns right, you might refer them to resources that will help them understand how important names and pronouns are and some tips for practicing. For example, our *Moving Beyond the Binary* guide has lots of information for employers on how to respect names and pronouns, how to navigate mistakes when these happen, and other steps they can take to demonstrate meaningful inclusion.

What if my chosen name and legal name are different?

The name that you use and your legal name may be different, and that's okay.

Getting a legal name change is not a process that is simple and easy for everyone. For some people, the costs associated with a legal name change can be a barrier. For others, they may feel daunted by navigating government forms and systems.

Whatever the reason you have for not taking this step, you are not alone. There are many people who use a chosen name on an everyday basis that does not match their legal name.

You have every right to express yourself with a name that aligns with who you are.

Your employer should use your chosen name on a day-to-day basis once you've updated them with this information. If your old name is on documents like name tags and business cards, you can ask your employer to replace these to reflect your new name.



“You have every right to express yourself with a name that aligns with who you are.”

There are some situations where your legal name will need to be kept on file and used. For example, your T4 form issued at tax time will have to have your legal name on it.

Examples such as this mean that your employer will have to keep a record of your legal name, most likely in your personnel file. But they should keep this information as confidential as possible, meaning that only those who need to access this information are able to see it.

Tips for self-advocacy in the workplace

Navigating difficult conversations can be stressful. Speaking up about your needs and what is important to you can make you feel vulnerable.

This is true in all our interpersonal relationships, including friendships, partnerships, relationships with chosen or birth family, and other bonds.

But difficult conversations can feel all the more stressful in the workplace, where there are power imbalances at play and where we are not always closely bonded to others by virtue of shared experience or identity.

We deserve to have workplaces where we feel valued, recognized, included, and treated with dignity in all aspects of our diversity.

We have human rights protections in the workplace that support our right to be treated fairly and equitably. These protections means we should never be singled out or harassed in the workplace based on our 2SLGBTQIA+ identity.

But just because we have protections does not mean that these protections are automatically understood or respected by our coworkers, supervisors, and others we encounter in our workplaces. As queer people, we all know that sometimes we have to stand up for ourselves and our right to safe and equitable spaces.

It is also important to note that if you are experiencing discrimination in the workplace, there are steps that can and should be taken before you file a human rights complaint. In most instances the Human Rights Commission will want to know whether you've first raised your concerns through internal channels (for example, speaking to a supervisor or someone from Human Resources).

Also, filing a human rights complaint can be a difficult and personal decision and may not be the right path forward for each situation and person.

There are many meaningful and hopeful ways to self-advocate. Knowledge is power! This includes knowledge of your rights and also knowing how to enter into potentially difficult conversations equipped with the right tools and considerations.



The following are our top 10 tips on how to be your own advocate and speak out about how safer workplaces benefit all of us:



Speak to someone in a position of power about your concerns. This may seem obvious, but it's an important step that is often overlooked. Sometimes management at an organization is unaware that harassment is taking place between employees. In order for any kind of meaningful accountability or change to happen, those in positions of authority must be informed so they can meet their legal obligations under human rights legislation. This means that you should speak to a manager, supervisor, or Human Resources representative in order to let them know and give them an opportunity to address your concerns.



Speak honestly and focus on impact. In general, other people are more likely to understand and be receptive to concerns when they are able to empathize with the human factor - in other words, **why** something matters to a person or group of people and how it makes them feel. If, for example, coworkers are not using your correct name or pronoun, you might simply say, "When people here don't get my name and pronoun right, it makes me feel unsafe and invalidated. This is very hard on me. I want to feel like I can be myself at work and be respected by others."



Document everything. It is often useful to keep notes in case you need to refer to these later. It can be surprisingly difficult to remember specifics after time has passed. Focus your notes on the objective details (who, what, where, when, and how) so that you have a clear view on what has happened over time. In case the person you are meeting with is curious about why you're doing this, you might simply say, "This conversation matters to me, so I wanted to make some notes to make sure I've said everything I wanted to." You can make note of any commitments that were made, for example if your employer suggests any steps they might take in order to create a safer work environment. If you file a human rights complaint, for example, your note log could be useful.



Be respectful. This doesn't mean not showing emotion. Many of the issues about which we choose to speak up are issues that impact our lives in significant ways and may have caused us harm. It is reasonable to enter a conversation with strong feelings. Your emotions are legitimate. But your points will be more impactful and less likely to be dismissed if they don't include abusive language. This doesn't mean that you shouldn't say how you feel about an issue (including if you feel frustrated or upset). But in order to foster meaningful dialogue and change, it's important to communicate your thoughts and feelings in a constructive manner.



Share resources to help others learn. Sometimes our employers have good intentions but do not understand how to be meaningfully inclusive. Sharing resources can be a helpful way to open up important conversations about inclusion. For example, if you are dealing with an employer who doesn't recognize the importance of pronouns, you could refer them to our *Moving Beyond the Binary* guide so that they can learn more about human rights and gender diversity in the workplace. You could also suggest **learning opportunities such as workshops** for all employees focused on inclusion. We've included some information at the back of this guide about online educational resources and organizations that deliver workshops on 2SLGBTQIA+ inclusion.



Share why a given issue impacts many people, not only you. This is not to say that your individual experience isn't important and worthy of care. But it can also be a helpful strategy to mention that 2SLGBTQIA+ inclusion is an issue that matters to many of us on a personal level. This includes queer coworkers who might not currently feel safe being out at work and queer clients with whom we do business. You might even point out that **according to Statistics Canada, Nova Scotia has one of the highest percentages of trans and non-binary people in all of Canada.** When a workplace takes meaningful steps to be inclusive, this means that queer people will feel safer working there, accessing its services, or sharing its reputation as a safe and affirming space.



Bring a trusted ally with you for support in navigating difficult conversations. It can be overwhelming to speak to someone in a position of power about something important, such as new pronouns, homophobic comments made in the workplace, or any other sensitive issue. It is normal to feel vulnerable or overwhelmed. It can be helpful to bring a trusted coworker or other ally to a meeting with you to help you share your story. This person doesn't need to say anything, but can simply be there to support you and chime in if you leave out something essential that you wanted to say.



Follow up later. It's great if your employer has listened to you and seems to understand your concerns. But follow-through is also essential. If your employer has suggested any steps they plan to take, you can give them some time to implement these, but it's also reasonable to check in with them on progress. They may not be able to tell you everything they've done. For example, if it's an issue that involves a coworker, some parts of this follow-up might be confidential. But if follow-up involves something like ordering new business cards with pronouns on them, a gentle reminder can ensure they understand how important this step is to you and others in the workplace.



Be gentle with yourself and connect with your community. Being your own advocate or the advocate for issues and people you care about can involve a lot of emotional labour. This can be exhausting. It is normal if you feel depleted, vulnerable, uncertain, or have any other strong emotions that arise leading up to, during, and after tough conversations. It's vital that you honour all these feelings and the wisdom they contain. Be compassionate to yourself and take care of yourself in ways that serve you. This might mean time for rest, time with community that understands, time listening to your own feelings and nurturing them, or whatever else helps you feel cared for and connected.



Be proud of yourself for fostering change. Being an advocate for meaningful change - either for yourself or for others - is not always a role that is valued as it should be in the world we live in. This means that it's all the more vital to take time to reflect on and appreciate your own strength and resilience. These qualities are powerful. Sometimes we don't get to see the impact that we've had by speaking up about what is vital and just. But every act of brave vulnerability has an impact, even if it's small and even if we don't see it immediately. Even in a conversation that doesn't go as well as you hoped, you may still have planted a seed in someone's mind that will change the way they think or the way they interact with others. Find pride in your bravery and appreciate yourself for being someone who has taken steps to hope for and create a safer and more equitable world.

Tending to our minds, bodies, and spirits: the importance of self-care, collective care, queer community, chosen family, and solidarity

Due to the ongoing discrimination, isolation, and hostility toward the 2SLGBTQIA+ community, those in the queer community are at an increased risk of negative outcomes in mental and physical health, education, housing, and employment. If you are queer and notice that you are struggling, it's important to consider how your queer identity may be an intersecting factor in this experience.

Despite this painful reality, queer folks often benefit when they experience some combination of self-care, collective care, queer community, chosen family, and solidarity with others in their community. It is ultimately up to each of us to care for ourselves so we don't just survive, but thrive.

Self-care, collective care, queer community, chosen family, and solidarity are vital for queer people as they navigate a world that often marginalizes and misunderstands them. When queer community spaces are connecting and dignified, these spaces can provide a foundation for safety, support, and resilience, fostering environments where queer folks can be their authentic selves without fear of judgment or discrimination.

Let's break down what these things mean:

Self-care is the practice of actively taking steps to maintain and improve one's physical, emotional, and mental well-being. It involves recognizing and addressing personal needs and boundaries, and engaging in activities that nurture and restore one's health and happiness. Self-care can include a wide range of practices, such as exercise, healthy eating, relaxation techniques, hobbies, and seeking professional support when needed.

Self-care can sometimes be a form of survival. Self-care may encompass comforting activities, or difficult ones that serve us in the long term. For example, self-care might look like a luxurious bath or a special treat, but sometimes it can look like paying bills and cleaning up our space. It is a proactive and intentional process that helps us manage stress, prevent burnout, and nurture a sense of contentment.

Self-care is essential for sustaining resilience and ensuring that individuals can effectively meet their own needs and cope with life's challenges.



Self-care is important, but can sometimes ignore the systemic realities of our world, and our interconnectedness in this. A common critique is that there is no amount of self-care that can cure experiences of discrimination. This is why other forms of care may be essential for those in the queer community.

Collective care is a practice and philosophy centered around the idea that the well-being of individuals is deeply interconnected with the well-being of their community. Unlike self-care, which often focuses on individual needs, collective care emphasizes mutual support, shared responsibility, and collaborative efforts to care for one another, particularly in marginalized communities.

Collective care involves creating systems, structures, and relationships that prioritize collective health, safety, and thriving. This concept recognizes that everyone has different capacities and resources, and it encourages people to show up for each other in meaningful ways, especially in times of crisis or need.

Collective care is an act of solidarity and resistance against systems of oppression, highlighting the importance of nurturing interdependence and building a more compassionate and equitable society.



Queer community is just that - those who identify with the diverse identities of the 2SLGBTQIA+ rainbow. This community encompasses a wide range of sexual orientations, gender identities, and expressions, and is united by a shared experience of navigating societal norms and challenges related to sexuality and gender.

The queer community often engages in advocacy, support, and celebration of its members' identities, working towards greater acceptance, rights, and visibility. Queer community often creates spaces for connection, mutual support, and solidarity, fostering an environment where individuals can express themselves authentically and work together to address issues of discrimination and inequality.



Chosen family is language that is often used to describe a group of individuals who are not biologically related but are connected through deep, meaningful relationships and mutual support. This concept is especially significant for queer folks who may face estrangement or lack of acceptance from their biological families due to their sexual orientation or gender identity.

Chosen family can provide a network of emotional, practical, and social support, offering a sense of belonging and unconditional love. It often includes friends, mentors, and allies who share common experiences and values, and who actively support and affirm one another's identities.



Last but not least, **solidarity** refers to the active support and unity among individuals and groups *within and outside* the queer community in addressing common struggles and injustices. It involves standing together to challenge discrimination, advocate for rights, and foster inclusivity.

Solidarity means recognizing and responding to the intersecting forms of oppression faced by marginalized folks, and working collaboratively to dismantle these barriers. It encompasses a commitment to mutual aid, shared resources, and allyship. Through solidarity, queer people and their allies build stronger, more resilient networks that promote equality, justice, and collective well-being.



The concepts and experiences of self care, collective care, queer community, chosen family, and solidarity can provide important meaning and connection for those in the 2SLGBTQIA+ community. We encourage you to find your own pathways to these kinds of care. While it's not always easy to find these kinds of experiences, the labour of finding ways to connect in these ways is worth it.

Robert Wright's 6-point plan for staying sane

As a perfect closing to this guide, we give tremendous thanks to **Robert Wright** for generously offering his 6-point plan to stay sane to the 2SLGBTQIA+ community.

Robert Wright is a queer, African Nova Scotian Social Worker and Sociologist whose 35 year career has spanned the fields of education, child welfare, forensic mental health, trauma, sexual violence, and cultural competence. He is a deeply respected community voice for positive change and justice in Nova Scotia.

He developed this plan in response to his personal and professional experiences of living and working in a culture that is hostile to his (and other marginalized) identities. He defines a hostile environment as one that contains discriminatory behaviour against certain groups of people, that this behaviour constitutes a persistent pattern, that the behaviour will continue if it isn't interrupted, and that the behaviour is disruptive to those experiencing the discriminatory behaviour.

If the environment is hostile, it's important to stay sane! Robert invites us to follow his 6-point plan:

STEP 1



Step 1: Develop and maintain a strong sense of your own identity / identities. It's important that we know where we come from, and who we are.

Guiding questions: *What is your family's cultural lineage(s)? What have you inherited from previous generations? How do the elements of your privilege and oppression intersect with each other? Do certain elements of your identity compound each other to shape your experiences?*

STEP 2



Step 2: Work to be competent and excellent at something

Part of surviving and hopefully thriving as a queer person is to gain a sense of competence and excellence in the work that we choose. Focus on what you're skillful at and enjoy doing and engender a lifelong learner's view that competence is something we can develop until we die. This helps us navigate the hostile system because we become masterful in what we do and can gain power through official channels. Competence and excellence can also give us a sense of meaning and purpose.

Guiding questions: *What gives you a spark? What are you skillful at and want to learn more about? What area do you want to learn more and more about?*

STEP 3



Step 3: Have a system-level analysis of your world

Being able to “depersonalize” things is to understand that what is happening at the individual level is reflective of what is happening at the collective, systems and structures level. To Robert's earlier point about hostile environments, there are clear patterns of privileges afforded to some groups and not others, and patterns of marginalization happening to some groups and not others. Understanding where we fit into this puzzle helps us realize that our experiences aren't only about who we are as individuals, but rather about how our identities impact our inclusion or exclusion in the world. This “depersonalized view” of ongoing conflict in our lives helps us see the larger structural issues at play. The queer community faces many issues which are ongoing and persistent.

Guiding questions: *When you zoom out, what patterns can you see? Where can you find trusted information about how your identity/identities impact your experiences of the world? Do your personal experiences mirror the experiences of others with the same identity?*

STEP 4



Step 4: Find independence

It's critical to live with a strong sense of independence so that we don't feel trapped in our hostile environments. If we are utterly dependent on the hostile environment for our survival, this undermines our wellness. Independence may mean accepting compromises to survive. For example, we may choose to live less centrally to have a budget that gives us more freedom, or may decide to shift career paths if the field we're entering is particularly hostile to our identity.

Guiding questions: *Where do I feel trapped? Are there any actions I can take to mitigate these pieces of my life? What do I value most? What compromises can I make so that I stay sane?*

STEP 5



Step 5: Process your experiences

Staying healthy and sane is a work in progress over our entire lives. This journey is one that happens day to day, moment to moment. Some of us may benefit from getting support on how to process our experiences. Counseling, support groups, and other forms of collective care may support you in being able to work through your struggles.

Guiding questions: *What actions can I take, on a regular basis, to support myself to process my painful emotions and struggles? What helps me to metabolize and express my pain? How do I feel when I am seen and heard? Who can I talk to? What new insights might counseling offer me? Are there accessible pathways to mental health supports in my community? Are there support groups that I am willing to try out?*

STEP 6



Step 6: Take action and stay connected to your identity/identities.

Do what you can to remain connected to those activities and engagements that support and preserve your identity, even if these spaces are antagonistic to your working or learning environment.

Guiding questions: *After developing a strong sense of who I am (step 1), where can I connect to my lineage? What cultural events interest me? Are there in-person or digital gathering spaces that center around my identity? Does my lineage include music, art, or other forms of engagement that resonate with me? How can I carve out time to connect with this?*

We give immense thanks to Robert for his contributions here, and hope this plan serves you.

Resources

Other LISNS publications:

- *Moving Beyond the Binary: a Guide on How to Make Your Organization Meaningfully Inclusive of Two-Spirit, Trans, Non-Binary, and Gender Diverse People* — Visit legalinfo.org/beyondthebinary to access the guide itself, a free downloadable gender inclusion workplace policy template, a short video featuring members of the Nova Scotian 2SLGBTQIA+ community, and other resources.
- *Let Me Be Me: a Legal Information Guide to Canada's Conversion Therapy Ban.*
legalinfo.org/letmebeme
- *We Have Power: a Guide to Engaging with Your MLA and Using Your Voice for Change.*
legalinfo.org/wehavepower

Organizations that provide services and support on the local or national level:

- **Youth Project** - An organization that provides support for 2SLGBTQIA+ youth and education and outreach across Nova Scotia. youthproject.ns.ca
- **Valley Youth Project** - A satellite organization of the Youth Project, providing support for youth in the Annapolis Valley valleyyouthproject.wordpress.com/about-us
- **Nova Scotia Rainbow Action Project** - Volunteer-run 2SLGBTQIA+ advocacy organization.
Email: nsrap@nsrap.ca Web: nsrap.ca
- **Gender Affirming Care Nova Scotia** - A volunteer-run support and advocacy group for health equity, access. <https://sites.google.com/view/gacinnovascotia/home>
- **Rainbow Refugee Association Nova Scotia** - Support, information, and system navigation to refugees and refugee claimants seeking refugee status in Canada. www.rainbowrefugee.com
- **Justice Trans** - An online portal of legal information about the rights of Two-Spirit, trans, non-binary, and gender diverse people. justicetrans.org
- **Nova Scotia Human Rights Commission** - Toll free in Nova Scotia: 1-877-269-7699,
Local in Halifax: 902-424-4111 humanrights.novascotia.ca

- **Canadian Human Rights Commission** - Toll free: 1-888-214-1090 chrc-ccdp.gc.ca/en
- **prideHealth** - The prideHealth navigator provides navigation support for 2SLGBTQIA+ adults and youth. Tel: 902-487-0470, Email: prideHealth@nshealth.ca Web: www.nshealth.ca/content/pridehealth
- **Trans Lifeline** - A peer support hotline run and staffed by trans people for trans people. Toll free in Canada: (877) 330-6366 translifeline.org

Other Online Educational Resources:

- **Egale** - A Canadian 2SLGBTQIA+ organization with many online webinars and free workshops focused on making your organization inclusive. We encourage you to peruse the many great resources on their website
- **Harvard Business Review** - Creating a Trans-Inclusive Workplace
- **Out and Equal** - Best practices guide for non-binary inclusion in the workplace
- **Hibob** - Guide for non-binary inclusion for Human Resources professionals
- **Public Service Alliance of Canada** - Building Trans-Inclusive Workplaces: a Guide for Managers, Unions and Workers
- **Province of NS** - Guidelines to Support Trans and Gender Variant Employees (for employees of the Province of Nova Scotia)
- **GLAAD** - Tips for Allies of Transgender People
- **Pride at Work Canada** - Multiple guides and other resources on building 2SLGBTQIA+-inclusive workplaces, best practices for hiring, supporting employees in their transition, etc.
- **The Guardian** - a guide on using they/them pronouns
- **NS Guidelines for Trans and Gender-nonconforming Students**
- **Pflag** - Support resources for families of 2SLGBTQIA+ people
- **The 519** - Creating Authentic Spaces: a Gender Identity and Gender Expression Toolkit. The 519 also has many other great online resources about supporting 2SLGBTQIA+ communities, so we encourage you to explore their website.
- **Pronoun practice** - Online guide for learning and practicing new pronouns
- **Forge** - A US-based organization with many online resources for service providers and other organizations seeking to make their spaces trans-inclusive.

Learn more about 2SLGBTQIA+ history:

- The ArQuives - a publicly accessible online archive of documents, resources, and other materials relevant to 2SLGBTQIA+ history and rights in Canada. arquives.ca
- The Two-Spirit Archives Collection - a collection of newsletters, journals, photographs, posters, art, and other materials that document the Two-Spirit movement. This collection is housed at the University of Winnipeg, and some of the materials are viewable online. cdm15931.contentdm.oclc.org/digital/collection/two-spirit
- Nova Scotia LGBT Seniors Archive - a local collection housed at Dalhousie University of materials relevant to LGBT advocacy and history in Nova Scotia. dal.ca/sites/lgbt-archives.html