Trans Lives Matter

Policy brief on the discrimination and violence that plague the Trans community, and the effect it has on housing, employment, and government assistance.

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Executive Summary

In Canada and across the globe, transgender people continue to be marginalized, simply for living their truth. Members of this community are often victims of discrimination and structural-racism in respect to; housing, employment, and government assistance. In Canada, only five provinces have implemented laws aimed to protect citizens on the basis of gender identity and gender expression. Due to the fact that the majority of Canadian provinces and territories do not have laws which protect Trans people; many employers, landlords, and government officials are legally able to discriminate against them. They are deprived of employment, shelter and support. In addition to discrimination, these individuals are also at a greater risk for violence and harassment. Further, trans women of color prove to be the most vulnerable within the transgender community leading with the highest homicide rates in the world (Human Rights Campaign). As a result of the rising rates of violence targeting this community, many activists have called for a trans state of emergency. It is evident due to the ill found nature of Canada’s legislative system, the Canadian Human Rights Act and the Criminal Code need to be amended in order to provide equal protection under the law, and address the current issues that are having disastrous effects on transgender community in Canada.

Trans Rights in Canada

Currently, out of the 10 provinces and 3 territories in Canada, only 5 provinces have laws that protect gender identity and gender expression. Alberta has two pieces of legislation which protect trans people: The Alberta Human Rights Act and the Alberta Bill of Rights. In Part II, Section 9(1) of the Human Rights Act of Newfoundland and Labrador, it explicitly lists gender identity and gender expression, the same can also be said for Nova Scotia, Ontario, and P.E.I. (TESA). Although these are excellent steps in ensuring equality and alleviating the issues that continue to disenfranchise trans people, there is no presence of a federal legislation or constitutional mention which protects gender identity or gender expression. Thus, without any federal laws that apply to all of Canada, citizens identifying as transgender are still left at risk and suffer with the effects of discrimination.

Box 1:

In December 2015, the NDP for the third time introduced Bill C-204 which would include gender identity and gender expression, in the Canadian Human Rights Act and the Criminal Code of Canada. A previous Bill aimed at doing the same thing, Bill C-279, initially won the support of the House of Commons only to be denied once it entered the Senate. The NDP’s LGBT critic Randall Garrison stated: “Transgender and gender variant Canadians deserve the same rights and protections that all other Canadians already enjoy.” Regardless of partisanship, it is important that this Bill passes in order to achieve equality and justice in Canada.

Trans Employment

Regardless of gender, employment is a crucial aspect of one’s life, in order to make ends meet. Achieving a reliable source of income ultimately determines a person’s quality of life; whether or not they will have access to basic necessities such as food, clothing and shelter. However, those belonging to the transgender community experience barriers in the workforce that prevent them from attaining these needs. A report on the national trans discrimination survey found that 90 per cent of trans people have experienced discrimination or harassment at work and took actions to conceal their true identity in order to prevent these occurrences. (see: Figure 1). Further, the survey also found that 47 per cent of Trans people surveyed had experienced an adverse job outcome such as being denied a promotion, or not being hired at all, and of those 47 per cent, 26 per cent reported being fired simply for being Trans (Grant et al). The problem here is not only the barriers that prevent Trans people from getting jobs, but also the discrimination that occurs at the workplace once they have secured a job. Ultimately, because of these barriers, 16 per cent of Trans people surveyed, reported being forced to work in the underground economy for income; which included sex work and drugs (Grant et al). Because there are no federal laws put in place to protect trans people, many employers are able to legally proceed with the behaviours detailed above without consequences. While employers are often untouchable in these situations, trans people are still left at risk with no means to survive. Not only is employment a difficult sector for many in the trans community, but access to housing has also proven to be notably difficult to attain, in the face of discrimination.

Box 2:

In the case of Greater St. Albert Roman Catholic Separate School, District No.734 v. Buterman, 2014, Jan Buterman a substitute teacher in Edmonton, was removed from the list of substitute teachers at St. Albert after disclosing that he was transgender. This is simply one example of how Trans people are easily discriminated against under the law and denied opportunities of employment that would otherwise be granted to other cis-gender citizens, without hesitation. This is an employment problem that has a direct relationship with the high rates of homelessness within the Trans community.

Greater St. Albert Roman Catholic Separate School, District No. 734 v Buterman, 2014 ABQB 14
Trans Housing

Housing discrimination has been an ongoing issue within the trans community for decades. This can be greatly attributed to the fact that in Canada there are no laws which prohibit landlords from refusing a home or an apartment to someone who is Transgender. This is supported with the findings of one study where 19 per cent of respondents reported having been refused a living space (home, apartment, shared living, etc.), and 11 per cent reported being evicted because of their gender identity (Grant et al). Due to this common practice, many trans people find themselves homeless. In fact, the same study found that 19 per cent of respondents had experienced homelessness at some point in their lives because of their gender identity/expression, with majority of those individuals attempting to access shelters and experiencing barriers (Grant et al). Looking at Figure 2, one can see that 55 per cent of the homeless Trans population had experienced harassment by shelter staff or residents when seeking asylum. Moreover, 29 per cent reported being turned away all together and 22 per cent reported being sexually assaulted by residents or staff (Grant et al). These shocking reports not only highlight the issues that Trans people experience, but ultimately they showcase that homeless shelters are simply a Band-Aid solution to the practice of housing discrimination that takes place. Further, the details of this report support the argument that due to the hostile conditions of shelters, an alarming percentage of transgender individuals have no alternative, then to remain on the streets.

Figure 2

<table>
<thead>
<tr>
<th>Condition</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexually assaulted by residents or staff</td>
<td>22%</td>
</tr>
<tr>
<td>Turned away</td>
<td>29%</td>
</tr>
<tr>
<td>Harassed by shelter staff or residents</td>
<td>55%</td>
</tr>
</tbody>
</table>

Box 3:

Kimberly Nixon, a Trans woman living in Vancouver, reported that when she attempted to access Vancouver’s Rape Relief & Women’s Shelter, she was turned away because she was not “enough of a woman.” Shortly after the B.C. Human Rights Tribunal ruled in favour of Nixon and deemed that she had been discriminated against, the shelter later won their appeal to the Supreme Court of Canada, stating that although they did discriminate against Nixon, they had the right to do so under the law.

Trans Violence and Discrimination Part I

It is an unfortunate reality; trans people experience a great deal of physical violence and discrimination. Further, it is important to note the combination of Transphobia and structural racism have caused for Trans women of colour to fare worse in terms of violence, than any other ethnicity. From 2013 to 2015, of the 53 known Transgender homicide victims, 46 were of color; 39 of African descent, and 6 Hispanic (Human Rights Campaign). This not only highlights that Trans people have a higher homicide rate in comparison to the general population, but that Trans women of colour are at much greater risk of violence. While these statistics are shocking, a great portion of the abuse occurs at the hands of government officials and professionals in the public sector. One study on Trans injustice found that 29 per cent of respondents reported being harassed or disrespected by police, and of those respondents, 12 per cent reported being denied equal treatment or experiencing harassment at the hands of judges or court officials, once again, with higher rates reported by people of colour (Grant et al).

Figure 3
Trans Violence and Discrimination Part II

In addition, there is also a serious issue with physical and sexual assault in prison. Out of the respondents who had been to prison or jail, 16 per cent reported being physically harmed, and 15 per cent reported being sexually assaulted (Grant et al). However, the problem not only lies within the act, it is also important to determine who is contributing to this abuse. Looking at figures 3 and 4 one can interpret many different issues, the first being that a high percentage of the physical and sexual abuse that is taking place, is happening at the hands of the other inmates, as well as prison staff. Because both inmates and staff play a role in the abuse, it leaves one to question whether or not guards and counselors turn a blind eye to the abuse between inmates. However more importantly, in both graphs one can see that Black and Indigenous Trans people in prison, have endured much more abuse than any other ethnicity (Grant et al). In Figure 4, 18 per cent Trans Indigenous people reported being sexually assaulted compared to 4 per cent of Trans people who identify as white. Thus, it is evident that structural and systemic racism is prevalent within the legal/prison system, which has ultimately had a devastating effect on the lives of many Trans women of colour who have endured physical and/or sexual abuse at the hands of those who swore to serve and protect them.

Figure 4

![Sexual Assault in Prison/Jail](chart.png)
Solutions/Recommendations

Throughout the course of this report it has become apparent that the Trans community is plagued with a devastating amount of discrimination, violence, and structural-racism which has created barriers to housing, employment, and government assistance. These issues are extremely troubling and continue to have detrimental outcomes on the lives of Trans people in Canada and elsewhere. However, there are many solutions to these issues that can be put into action at anytime here in Canada. The first action, that would alleviate many of the issues in this report, would be to put laws in place that protect Trans people from discrimination and violence. This can be done by amending the Canadian Human Rights Act and Criminal Code to include gender identity and gender expression as prohibited grounds of discrimination. This would prohibit landlords from evicting or refusing a living space to someone because they are Trans, and would also prohibit employers from not hiring Trans people because of their identity. In regards to law enforcement and government officials, an improvement on law enforcement training is needed as well as a specialized training seminar detailing how officers should deal with the queer community and how to respond to hate crime reporting. This would not only improve Trans people’s experiences with the police, but could also reduce the violence that they face. Further, there also needs to be more financial support to emergency housing initiatives that specifically target and accommodate the Trans community. No one should ever be refused entry to a homeless shelter simply for living as their most authentic self. Finally, a recommendation that could highly effect the lives of many trans people, would be to improve the educational environments for trans students. A lot of the issues that plague the Trans community could be avoided if Trans people were given equal opportunities as their peers. Introducing safe spaces in schools for gender non-conforming students could drastically improve the lives of many vulnerable teens that are still coming to terms with their identity. Thus, while it is impossible to turn back the hands of time and save the 53 Trans people who were killed between 2013-2015, if these recommendations were to be put in effect it could prevent adding anyone else to that list. After all, don’t all lives matter?
Bibliography


Greater St. Albert Roman Catholic Separate School, District No. 734 v Buterman, 2014 ABQB 14

