



Registered Nurses' Association of Ontario  
L'Association des infirmières et infirmiers  
autorisés de l'Ontario

Hon. Marie-France Lalonde  
Minister of Government and Consumer Services  
6th Floor, Mowat Block  
900 Bay Street  
Toronto, ON M7A 1L2  
email: [marie-france.lalonde@ontario.ca](mailto:marie-france.lalonde@ontario.ca)

November 8, 2016

**RE: RNAO feedback on gender inclusivity and government IDs**

Dear Minister Lalonde,

The Registered Nurses' Association of Ontario (RNAO), the professional association representing registered nurses, nurse practitioners and nursing students, appreciates recent changes by the government of Ontario to make documents used for identification more inclusive of people with transgender and non-binary gender identity. The introduction of a gender-neutral health card with a person's sex no longer listed, occurring from June 13, 2016 onward, and the option to display an X on a driver's licence as a gender identifier,<sup>1</sup> beginning in early 2017, are progressive changes to be welcomed.

RNAO, including our Rainbow Nursing Interest Group,<sup>2</sup> have a proud history of advocating for health and human rights, including the health and wellness of lesbian, gay, bisexual, transgender, transsexual, two-spirit, intersex, queer and questioning people.<sup>3</sup> This letter highlights ways government can further foster health and human rights by increasing gender inclusivity on government IDs.

As RNAO recently communicated to the federal government, it is critical that Statistics Canada include gender identity and sexual orientation among its census questions in order to reflect the reality of Canada's diverse population.<sup>4</sup> Better statistical information collected with every safeguard for privacy and confidentiality will enable more informed analysis and decision-making to improve social and health inequities.

Identification documents that show a person's sex or gender (such as birth certificates, drivers' licences, health cards, passports, school and medical records) can create disadvantages, barriers, and health/safety risks for trans and non-binary gender people. When the sex or gender inscribed on an official document is perceived not to match their lived gender identity, trans and non-binary people often experience invasive questions and discrimination.<sup>5</sup> Ideally, as with Ontario's health card, identification documents will be gender-neutral. If that is not yet possible, RNAO supports the option for people to use M, F, or X, as is the standard accepted by the International Civil Aviation Organization.

The World Professional Association for Transgender Health "urges governments to eliminate unnecessary barriers, and to institute simple and accessible administrative procedures for transgender people to obtain legal recognition of gender, consonant with each individual's identity, when gender markers on identify documents are considered necessary."<sup>6</sup> Consistent with this view, the Ontario Human Rights Commission recommends that "criteria for changing

the name and or sex designation on identity documents should be respectful, non-intrusive, and need not be medically based."<sup>7</sup>

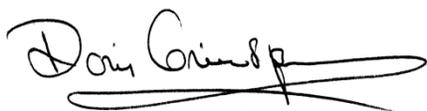
At present, only physicians, psychologists, and psychology associates are authorized to provide supporting documentation to change sex designation on a birth registration,<sup>8</sup> birth certificate<sup>9</sup> and driver's licence.<sup>10</sup> This supporting documentation must state that the practitioner "has treated or evaluated the applicant who is requesting the change in sex designation; confirm that the applicant's gender identity does not accord with the sex designation on the applicant's birth registration; and is of the opinion that the change of sex designation on the birth registration is appropriate."<sup>11</sup> Requiring a physician, psychologist, or psychology associate to provide this supporting documentation reinforces a psychopathologisation of gender identities which "reinforces or can prompt stigma, making prejudice and discrimination more likely, rendering transgender and transsexual people more vulnerable to social and legal marginalization and exclusion, and increasing risks to mental and physical well-being."<sup>12</sup>

RNAO supports the position of the Ontario Human Rights Commission "that people should be recognized based on their lived and internally-felt gender identity."<sup>13</sup> RNAO endorses recommendations by the OHRC<sup>14 15 16</sup> that a less medicalized, less intrusive, and more respectful process would enable a wide range of people, including registered nurses, nurse practitioners, social workers, school or college/university officials, therapists, family members, employers, faith community or others to provide supporting documentation, if considered necessary.

RNAO urges the provincial government to implement the Ontario Human Rights Commission's recommendations on the storage, handling, and sharing of name and sex designation change information in order to protect against discrimination in violation of Ontario's *Human Rights Code*.<sup>17</sup>

Thank you for the opportunity to provide this feedback in support of strengthening protection of the human rights, health, and well-being of trans and gender diverse people.

Warm regards,

A handwritten signature in black ink, appearing to read "Doris Grinspun", with a long horizontal flourish extending to the right.

Doris Grinspun, RN, MSN, PhD, LLD(hon), O.ONT  
Chief Executive Officer, RNAO

Cc: Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission

## References

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- <sup>1</sup> Ministry of Government and Consumer Services (2016). Backgrounder: Gender on Health Cards and Driver's Licences. June 29, 2016. Toronto: Author.  
<https://news.ontario.ca/mgs/en/2016/06/gender-on-health-cards-and-drivers-licences.html>
- <sup>2</sup> Rainbow Nursing Interest Group <http://rnao.ca/connect/interest-groups/rnig>
- <sup>3</sup> Registered Nurses' Association of Ontario (2007). Position Statement: Respecting Sexual Orientation and Gender Identity. Toronto: Author. [http://rnao.ca/sites/rnao-ca/files/storage/related/2486\\_Respecting\\_Sexual\\_Orientation\\_and\\_Gender\\_Identity.pdf](http://rnao.ca/sites/rnao-ca/files/storage/related/2486_Respecting_Sexual_Orientation_and_Gender_Identity.pdf)
- <sup>4</sup> Registered Nurses' Association of Ontario (2016). Letter to Minister Bains: Improve the 2021 census by including gender identity and sexual orientation. Toronto: Author.  
<http://rnao.ca/policy/submissions/letter-improve-2021-census-including-gender-identity-and-sexual-orientation>
- <sup>5</sup> Ontario Human Rights Commission (2014). Policy on preventing discrimination because of gender identity and gender expression. Toronto: Author, 35.  
<http://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20because%20of%20gender%20identity%20and%20gender%20expression.pdf>
- <sup>6</sup> World Professional Association for Transgender Health (2015). Statement on Identity Recognition.  
[http://www.wpath.org/site\\_page.cfm?pk\\_association\\_webpage\\_menu=1351&pk\\_association\\_webpage=3928](http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1351&pk_association_webpage=3928)
- <sup>7</sup> Ontario Human Rights Commission. Policy on preventing discrimination because of gender identity and gender expression, 36.
- <sup>8</sup> Service Ontario (2016). Changing your sex designation on your birth registration and birth certificate.  
<https://www.ontario.ca/page/changing-your-sex-designation-your-birth-registration-and-birth-certificate>
- <sup>9</sup> Service Ontario (2016). Changing your sex designation on your birth registration and birth certificate.  
<https://www.ontario.ca/page/changing-your-sex-designation-your-birth-registration-and-birth-certificate>
- <sup>10</sup> Service Ontario (2016). How do I change the sex designation on my driver's licence?  
<https://www.ontario.ca/faq/how-do-i-change-sex-designation-my-drivers-licence>
- <sup>11</sup> Service Ontario (2014). Application for a change of sex designation on a birth registration of an adult.  
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- <sup>12</sup> World Professional Association for Transgender Health (2010). Statement: Urging the de-psychopathologisation of gender variance worldwide.  
[http://www.wpath.org/site\\_page.cfm?pk\\_association\\_webpage\\_menu=1351&pk\\_association\\_webpage=3928](http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1351&pk_association_webpage=3928)
- <sup>13</sup> Ontario Human Rights Commission (2012). Submission on revised criteria for change of sex designation on an Ontario birth registration. Toronto: Author.  
<http://www.ohrc.on.ca/en/re-consultation-document-%E2%80%93-revised-criteria-change-sex-designation-ontario-birth-registration>
- <sup>14</sup> Ontario Human Rights Commission (2012). Submission on revised criteria for change of sex designation on an Ontario birth registration.
- <sup>15</sup> Ontario Human Rights Commission (2014). Policy on preventing discrimination because of gender identity and gender expression, 36.
- <sup>16</sup> Ontario Human Rights Commission (2014). Submission on change of sex designation on a birth registration of a minor. Toronto: Author. <http://www.ohrc.on.ca/en/ohrc-submission-regarding-mgs-consultation-change-sex-designation-birth-registration-minor>
- <sup>17</sup> Ontario Human Rights Commission (2016). Submission on storing and sharing name and sex designation change information. Toronto: Author. <http://www.ohrc.on.ca/en/submission-ohrc-mgcs-regarding-name-and-sex-designation-change-information>