FTR Now

Gender Identity, Gender Expression now Protected by Ontario *Human Rights Code*

Date: June 15, 2012

On June 13, 2012, the Ontario legislature passed an amendment to the Ontario *Human Rights Code* which extends protection against discrimination on the grounds of gender identity or gender expression. The amendment was proposed in a Private Member Bill and received support of all three parties. This *FTR Now* discusses the amendment and its implications for employers.

Bill 33, *Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression), 2012* amends the *Code* to specify that every person has a right to equal treatment without discrimination because of gender identity or gender expression with respect to the following:

- services, goods and facilities;
- accommodation;
- contracting;
- employment; and
- membership in a trade union, trade or occupational association or self-governing profession.

The Bill also amends the *Code* to specify that every person in Ontario has a right to be free from harassment because of sexual orientation, gender identity or gender expression with respect to accommodation and employment.

The terms "gender identity" and "gender expression" are not defined in the Bill, which will come into force on Royal Assent.

The new amendments will clearly affect employers and service providers. For example, customer or employee rights with respect to the use of washrooms or changing facilities may be impacted. More generally, employers in all industries will have to carefully assess their rights and obligations at the pre-hire stage and throughout the term of employment. Therefore, employers and service providers will want to carefully assess current operating procedures and practices to ensure compliance with the *Code*.

Should you have any questions regarding this amendment, please contact Thomas W. Agnew at 416.864.7227, or your regular Hicks Morley lawyer.

The articles in this Client Update provide general information and should not be relied on as legal advice or opinion. This publication is copyrighted by Hicks Morley Hamilton Stewart Storie LLP and may not be photocopied or reproduced in any form, in whole or in part, without the express permission of Hicks Morley Hamilton Stewart Storie LLP. ©