

What We Heard

Engagement on the Gender Diversity and Related Amendments Bill

What was this engagement about?

- Yukon government is conducting a review of legislation, policies and practices to ensure we are meeting the rules and social standards for LGBTQ2S+ non-discrimination.
- This long-term project includes updating legislation to be more inclusive of LGBTQ2S+ Yukoners.
 - In spring 2017, we made amendments to the *Vital Statistics Act* and *Human Rights Act*.
 - On March 6, 2018, we tabled a Gender Diversity and Related Amendments Bill to:
 - Support increased gender diversity on several Yukon government boards and committees that currently have potentially discriminatory language related to nomination and membership requirements.
 - Add “sexual orientation,” “gender diversity,” and “gender expression” to an existing clause that sets out prohibited grounds of discrimination under the *Public Service Labour Relations Act*.
- We invited feedback from stakeholders on these proposed amendments to ensure that the final bill is as inclusive as possible.

Who participated?

Formal engagement on the proposed amendments took place from January 15 to February 12, 2018, with initial letters and emails sent on January 15, follow-up emails sent February 2 to 6, and feedback accepted until February 12. This document reflects feedback collected both during formal engagement, as well as pertinent feedback received during pre-engagement in fall 2017.

- Engagement Overview
 - 26 letters and emails were sent to community LGBTQ2S+ groups and equality-seeking organizations.
 - 5 letters and emails were sent to the affected boards and committees.
 - 15 letters were sent to Yukon First Nation Governments.
- Feedback and Responses
 - 10 responses were received from community organizations (6 formal letters; 4 responses provided through communications with department staff).

- 5 boards and committees submitted responses (3 responded as a group; 2 had members who responded individually).
- 2 First Nation governments responded (1 had comments; 1 advised they did not have any feedback on this matter).

At a glance: key themes from the engagement

- Stakeholders are generally supportive of steps that positively impact diversity and inclusion and were supportive of the proposed amendments for this bill. However, some feedback questioned whether these legislative amendments were an urgent priority.
- Stakeholders desire greater transparency and public involvement around addressing LGBTQ2S+ issues generally as well as identifying priorities for specific LGBTQ2S+ legislative amendments.
- Stakeholders expressed a strong desire for clear, timely and coordinated action on the priorities of LGBTQ2S+ Yukoners and organizations. Specific requests for action varied, and included policy changes as well as legislative changes.
- We heard feedback about challenges that community organizations, and particularly volunteer-led organizations, face when asked to provide input on various government initiatives. Challenges include workloads, compensation for time and input, clear communication, confidentiality, and requests for input on multiple initiatives.

Feedback on the proposed amendments

Amendments to increase gender diversity on boards and committees:

- Majority of feedback indicates support for efforts by government to make proactive changes towards improved diversity on boards and committees.
- We heard a recommendation that any change to eligible nominating organizations in the *Crime Prevention and Victim Services Trust Act* (s.5(1)) should include a corresponding change to the purposes of the trust (s.4(1)(b)). We also heard a preference to retain language that continues to reflect the realities of systemic violence against women.
- One respondent emphasized the need for appointments to be based on integrity, competence, and ability. Another suggested a more considered and efficient approach to legislative changes, recommending that amended acts should be opened for broader review and modernization.
- There was also a question raised about whether the proposed amendment concerning gender diversity would be seen as an invasion of privacy for applicants, as opposed to having a general statement supporting diverse experiences and backgrounds of applicants.

Amendments about prohibited grounds of discrimination:

- We did not receive any specific comments or concerns from stakeholders about amendments to the *Public Service Labour Relations Act*.

Other feedback on LGBTQ2S+ non-discrimination, inclusion and equality

- We heard frustration from some stakeholders that there was no formal public consultation of LGBTQ2S+ issues outside the scope of the proposed amendments and that there is no single place in Yukon government to bring concerns about discrimination. This suggests people who are in need may have to advocate for themselves with multiple departments.
- Some respondents requested opportunities for more public involvement in identifying and providing input on LGBTQ2S+ needs and priorities. We heard about the need for ensuring that engagement opportunities are safe, confidential and respectful, and that efforts be made to be inclusive of diverse groups of LGBTQ2S+ Yukoners.
- Other respondents expressed concerns that they have made efforts to make their priorities known to various departments over the past several years. We heard about a need for taking concrete action. Examples of concrete actions varied, ranging from “Trans competent” health care and coverage to “operational changes” at Whitehorse Correctional Centre, resources for LGBTQ2S+ advocacy, and improved representation of LGBTQ2S+ considerations in “language and tone” of government communications.
- Some respondents expressed a perceived lack of transparency and public involvement around government’s legislative agenda with respect to LGBTQ2S+ non-discrimination. Specifically, we heard requests to amend certain pieces of legislation to address equality of same-sex marriage and common-law relationships.
- Finally, there was a suggestion that the Yukon government publicly speaks about how diversity serves us all and about the community that we want to live in.

Feedback on the engagement process

- We heard feedback about challenges community organizations, and particularly volunteer-led organizations, face when asked to provide input on various government initiatives. Challenges include workloads, compensation for time and input, clear communication, confidentiality, and requests for input on multiple initiatives.
- We also heard feedback on how to provide greater clarity on what changes were actually being considered and what aspects of these amendments the government was seeking feedback on.
- Finally, while appreciation for invitations to provide early input on the engagement process was expressed, there was also a question about whether LGBTQ2S+ public

service employees were working on the proposed bill and whether they know what to look for when reviewing policies and legislation. One respondent suggested using a LGBTQ2S+ “consultation committee.”

Other feedback

- We received feedback that Gender Inclusive Diversity Analyses should be performed by all departments on all projects.

How will my input make a difference?

- We are using this input to inform our ongoing work to make our laws, policies and practices as non-discriminatory and inclusive as possible.
- It will also help inform future engagements and communications as we continue conversations with LGBTQ2S+ Yukoners, their families, friends, and communities about how we can make our laws and services more inclusive and responsive to their needs.
- For instance, this input is helping inform our work as we begin designing a public engagement on LGBTQ2S+ inclusion to ensure that government practices are meeting the needs and priorities of LGBTQ2S+ Yukoners.

Give your feedback on the engagement process

- Please e-mail any feedback you have on this engagement process to alex.hill@gov.yk.ca