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Addressing Erasure: Trans Discrimination and Employment Policy in Canada

In February 2007, the Supreme Court of Canada overturned a 2002 ruling by the BC Court of Appeal that favoured Kimberly Nixon – a post-operative male-to-female transsexual – in her human rights (HR) suit against Vancouver Rape Relief and Women's Shelter (Rupp 2007; Namaste 2005; Karaian 2006). The decision ended ten years of legal processes responsible for integrating Nixon's case into the body of mainstream Canadian media and bringing national attention to trans[1] rights. Nixon's allegation of discrimination on the basis of 'sex' has been variously accepted and rejected in provincial and federal court systems. Trans activist and author Stephanie Castle suggests that the 1990s was a "memorable decade" for the Canadian trans community due to a substantial rise in "pragmatic" journalism and an expansion of the social discourses concerning trans rights (2005: 18). However, ten years later, discursive recognition remains a contested and controversial issue in trans communities. As Kathleen H. Lahey suggests, "the story of queer 'non-personhood'" is one that, still, "has been told not at all" (1999: xvi).

Lahey, a legal scholar, emphasizes that governmental agencies have failed to produce useful demographic analyses of the trans population in Canada, including important statistical information regarding employment patterns, and that "official census policies treat ... [trans]

[1] Contemporary scholarship and activism rejects terminology that classifies individuals according to sexed and gendered status (ie: transsexual, transgendered, genderqueer or bigender). Recognizing the inadequacy of binary-entrenched models, "trans" is a term of identification that is preferred for its broad inclusivity – its ability to absorb, without effacing, the diversity of the demographic it signifies. That is, as an all-encompassing term, "trans" leaves room for the nuances of individual self-identification that are not linked to the somewhat marginalizing social categories of "gender" and "sexuality" with which trans identities may readily become associated (Bauer 2009).

people exactly the same way as the law treats them – as if they did not exist" (1999: xv, 209 - 213). The result of these omissions is a social absence – a *non-representation* of the trans population in both practical and theoretical terms. This lack of data perpetuates the erasure manifest in the consistent exclusions of trans individuals and interests from policy and social practice(s). Recognizing these systemic exclusions, our animating research question concerns the current placement of trans Canadians within the HR system. We question where those who are denied legal, statistical and discursive recognition (and, therefore, avenues for recourse with respect to employment discrimination) can source aid and compensation within the prevailing structures of the Canadian HR system. Concretely defining a policy that protects against discrimination in trans employment experiences remains an unfinished project in legal scholarship and activist debate. Dr. Greta Bauer[2] emphasizes the importance of raising social and political awareness about the issues surrounding trans employment rights when she makes the simple, deeply resonant statement: "employment *is everything*" (2009). Employment discrimination issues undercut and intersect with every trans rights issue: adequate income is required for fulfilling basic needs, while meeting basic needs is required for productive engagement in all social sectors. Prevailing stereotypes continue to relegate trans individuals to low income brackets and, often, the intersecting factors that inform the ability of trans people to earn an adequate livelihood are overlooked. Consequently, poverty becomes a systemic barrier that intersects with, and perpetuates, other experiences of marginalization and discrimination among the Canadian trans population.

[2] Dr. Bauer is a professor of Epidemiology at the University of Western Ontario and head of research in the Ontario TransPulse project. References to Dr. Bauer's comments are excerpted from an informal informational interview conducted in her office on March 16 2009. Dr. Bauer has generously offered multiple resources and contacts and has indicated her support for the translation of this research into a documentary project.

The writing of this paper coincides with important scholarly and social movements working to amend the quantitative and qualitative gaps in trans scholarship. Initiatives like Ontario's TransPulse Project, an on-going, community-based health services study, implement community soundings[3] and survey and interview research to analyze the processes through which marginalization is perpetuated in trans communities rather than merely documenting its effects (Bauer 2009; TransPulse Project 2009). TransPulse takes a trans-centred approach by recognizing trans voices as fundamental to the project's research outcomes. The results will complement *and* expand the scope of current academic research. By giving participants agency in the process of information gathering and analysis, TransPulse is inherently political: it gives presence to trans lives – lives that are often re-subordinated or entirely excluded in research discourse (2009).

To date, trans rights remain a nebulous point in Canadian legislative discourses: there remains an absence of adequate terms for the protection and recognition of trans individuals' legal personhood in the federal and provincial HR codes (Lahey 1999; OHRC 2008). The current terms of the Canadian Human Rights Act prohibit discrimination on the grounds of "race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted" (CHRA 2009: section 3.(1)). All suggestions for the inclusion of "gender identity" as an enumerated ground for non-discrimination have been defeated[4] (B.C. HRC 1998; findlay 2003: 61). Currently, all trans discrimination cases brought before Canadian HR tribunals are limited to submitting claims on

[3] Community soundings are a methodological approach to research using focus groups with the specific intent of preserving the integrity of the community involved. These research groups are not constrained in terms of time limit or number of participants. They are constructed as safe spaces for the interest group: for example, a trans community sounding would consist of participants that identify as trans or as trans-allies, but never as integrated groups. This is intended to generate a safe space so that research is not compromised by the discomfort of the participants and, importantly, participants are not made uncomfortable for the sake of the research.

[4] Arguments for the inclusion of "Gender Identity" as an enumerated ground of non-discrimination have been brought to the B.C. and OHRC; to date, neither province recognizes the term in its Human Rights legislation.

the grounds of either sex or disability[5] (OHRC 2009). All trans related cases brought before national and provincial tribunals must successfully manipulate the details of discrimination, as well as the personal identity politics of the claimant, to fit current HR code terminology. This mandatory conformation sustains the inability of trans identified individuals to gain adequate recognition – and for their experiences of discrimination to find adequate representation – under Canadian law (Lahey 1999). Herein lies the "choice": the claimant must identify as being discriminated against for being a woman or man, not for being trans; or likewise, for being (perceived as) disabled, not for being trans. Enforcement of the law perpetuates the discrimination committed at the workplace: it forces claimants to conform to distinct categories that they may not fit when, in the first place, this "mis-fit" itself is often the catalyst for discrimination. Rather than adequately recognizing trans rights, these terms actually perpetuate erasure: a lack of explicit grounds supports social ignorance and sustains the marginalization of vulnerable groups.

This is not to say that cases based on 'sex' and 'disability' discrimination are not successful. However, they remain relatively rare[6]. There is a paucity of legal scholarship and case law documenting claims of employment discrimination against trans employees in Canada. This invisibility under the law marks a substantive and deliberate erasure of trans identities from national discourses. It also points to the cyclical relationship between the legal policies that

[5] Synthia Kavanagh successfully urged a claim of Human Rights violation against Corrections Canada. Kavanagh's success was premised on the discrimination she experienced as a woman "who has suffered from a disability, gender dysphoria (transsexualism), and [as such] should be treated as a woman with a medical problem" (DAWN). Her case is an important landmark for issues surrounding sex reassignment surgery while incarcerated: her success effected important changes in the Corrections Canada policy regarding the housing of pre-operative MtFs.

[6] In our interview with Greta Bauer, she suggested that the lack of available case law regarding trans employment discrimination is not indicative of its actual prevalence. Rather, she suggested that trans human rights claims are often settled out of court and tribunal systems. She also suggested, on a positive note, that there has been a marked increase in employer awareness and policy development that is not yet documented (or is in the process of being documented) in current scholarship (Bauer 2009; TransPulse 2009).

define social norms and the social norms that inform the law (Lahey 1999). barbara findlay suggests that: "protection from discrimination on the basis of sex might not be broad enough to provide protection to all transgendered people" (2003: 61). This challenges the Ontario Human Rights Commission's claim that by allowing "complaints of discrimination and harassment based on gender identity . . . [to] be accepted under the ground of sex", it has "fulfilled . . . [its] commitment" to developing policy on gender identity (OHRC 2000).

Scholars and activists point to the inadequacy of this policy and advocate incorporating trans-inclusive grounds into the HR legislation[7]. As Lahey suggests, legal "personality" is a concept that is "prior to 'equality' claims, and is also prior to 'rights'. It is the grammatical glue that holds statutory and judicial expressions of 'law' together, connecting political and social ideas with living people" (Lahey 1999: xv). She goes on to say that that "The concept of 'legal personality' is both an expression of the minimal content of 'human dignity' and a description of what every human being needs in order to be able to function in state societies and the world at large" (Lahey 1999: xv). "Gender Identity" may be *absorbed* into larger discourses of discrimination and yet the refusal to provide trans-specific grounds of non-discrimination continues the effacement of full trans personhood in social and legal discourse. As Lahey suggests, trans Canadians continue to exist outside of the grammatical boundaries of current legislative rubrics. If HR issues cannot be addressed until an individual is technically scripted *as human*, trans rights remain nonexistent. Trans identities and experiences challenge the linguistic basis of policy-development: these are identities that require recognition and that, simultaneously, "*do not fit easily into the binary male/female categories that Canadian society offers*" (findlay 2003: 62, emphasis ours).

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[7]For reference, see the work of Paisley Currah, Richard M. Juang, and Shannon Price-Minter (2006); Lara Karaian (2006); and Donald Caswell (1996); barbara findlay (2003); Elanor MacDonald (1998); Margaret Denicke and Sal Renshaw (2003); Virginia M. Harmon.

These policy absences have material effects that are often inadequately documented or incoherent within our legal system. It is important to work towards employment policies – solidified in legal terminology and practice – that can work with other trans initiatives to help render visible trans people and issues in Canada. Activists and scholars suggest that trans people need a concrete category of representation, especially for submitting claims of discrimination to the Human Rights Commission[8]. In addition, consultation with the Canadian trans population will help to inform the development of a human rights ground – such as "Gender Identity *and Expression*" – that is more inclusive because it is driven by, and cognizant of, the nuances of individual self-identification.

The findings from a filmed interview with Bennett Anderson[9], an FtM from Guelph, Ontario, reaffirm the premise that fixed identity categories are, fundamentally, inadequate. Anderson's responses emphasize the complexities that trans identities pose for policy development by challenging the validity of current HR terms, as well as the scholarship and work of those that promote including "Gender Identity" as a prohibitive grounds of discrimination. When asked whether he thought it was important for gender identity to be introduced into the Canadian HR Code, Anderson's response spoke to both the inadequacy of "Sexual Orientation" as an underwritten trans-inclusive ground, and to the problems inherent in current policy practices that blanket trans rights in terms of 'sex' and 'disability'. His comment –

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[8] Castle suggests that the introduction of "Gender Identity", and its usage as a prohibited ground in trans HR cases, is a necessary next-step in HR policy development (Castle 2005: 116). She recognizes that though the insertion of these terms into the federal and provincial legislation will not stop discrimination, it will positively impact the ability of this (still) socially vulnerable population to seek legal recourse. She likens this to the underwriting of sexual orientation into the Canadian Charter of Rights and Freedoms (1985) which has, subsequently, afforded gays and lesbians representation under the federal – and most of the provincial – HR provisions (Castle 2005: 116). Castle reiterates the importance (and anticipated efficacy) of expanding current discourses when she suggests that: "It would only require a small number of cases to be handled on the basis of Gender Identity for the word to get around that transsexual harassment is no longer acceptable" (116-7). While Castles' arguments are positive in that they demand further legal and social attention for trans rights protections, there are still serious contestations towards the inclusion of "Gender Identity" in human rights codes as an enumerated grounds of non-discrimination.

[9] This Interview was conducted March 14, 2009 in Guelph Ontario.

"I don't necessarily identify as anything under that gay or queer spectrum . . . because I'm not gay … I should fall under that category? … I should have my own category, damn it!" (Anderson 2009) – speaks to the "difficulty" trans identities pose to the current structures of a system preoccupied with categories and gestures towards the possibility (or necessity) of expanding the scope of current social models.

The transcribed data collected during an informal, preliminary meeting with Nicole Nussbaum, a lawyer in London, Ontario, contextualizes trans frustrations with the HR system[10]. Nussbaum's practice primarily focuses on LGBTQ employment equity litigation; her expertise in the area informed the questions we asked her and her ability to speak to the multiple reasons that trans people may not want to litigate against their employers. Nussbaum notes that appealing to the Human Rights Commission requires public outing – both at work and in the process of having an individual's name published in legal documents. This is an undesirable fact for many trans individuals. Nussbaum suggests that HR litigation is primarily sought to compensate those that cannot remain in the workplace and she recognizes that exercising individual rights under the HR Code can tarnish the claimant's ability to get work in the future (Nussbaum 2009). She suggests that to litigate against an employer within the Canadian judicial system takes considerable time and effort, and involves financial pressures that make exercising full rights extremely difficult (2009). Further, Nussbaum notes that the real problem within the Canadian legal system is the issue of visibility – that it is a sustained sense of *in*visibility that leads trans people to believe that they do not have HR protections at all (2009).

Nussbaum suggests that there are multi-faceted and systemic barriers – that involve both overt and subtle forms of discrimination – in the very legal and employment processes that trans people must regularly engage. For instance, she gave the example of an MtF employee who

[10] This interview took place on March 22, 2009.

worked in sales at an unspecified company and transitioned on the job. When this individual made her employers aware of the her transition, they moved her from a client-facing position to a position in which she would no longer need to maintain face-to-face contact with customers (2009). Nussbaum stresses that the employers in this situation expected the employee to quit. The company's decision to transfer her out of her prior position was presented as action taken "*for her*" comfort – an accommodation of her "*assessed*" needs, unrequested as it was (Nussbaum 2009). This is an example in which the right to accommodation is forced rather than offered and wherein the employer's interests are effectively guised under professed attention to employee rights and needs.

A publication by the American Human Rights Campaign Foundation suggests that this experience is not atypical: the HRCF notes that executive and managerial employees who transition on the job are frequently asked to "consult only 'behind the scenes'" after transition (2008: 11). Nussbaum stresses that when this client came to her about the issue she was unaware of her rights. Further, she states that trans- and related employment discrimination is often framed, as in the example above, under the questionable tenets of workplace "accommodations" (2009). This is a case in which the employers' claim – that the shift in employment was in the interests of the employee – effectively places the onus for the experience of discrimination and erasure on the trans employee. In such circumstances, where the largest obstacle may be "sincere ignorance", the probability of the employer becoming educated, co-operative and flexible is nullified by the processes of inequity and discrimination that often lead to total exclusion from the workplace. During our conversation, Nussbaum emphasized that: "[trans people] may not have to be treated differently" in employment situations – that their needs for accommodation are individual and often quite minimal (2009).

Nussbaum's comments and examples emphasize the intersections of covert and explicit forms of workplace discrimination, as well as the importance of attending to these covert prejudices. Discriminatory and derogatory aspects of workplace "accommodations" should be continually re-evaluated for, and implemented with, the best interest of the company and the trans person in mind – before, during and after transition. Dr. Greta Bauer also underscores the fact that companies tend to look at trans people who become visible on the job during transition as "one-of-a-kind" – as if "there couldn't be another one out there" (Bauer 2009). In this respect, false assumptions of scarcity encumber inadequate policy development and implementation.

In June 2007, NDP MPP, Cheri DiNovo, reintroduced the inclusion of "Gender Identity and Expression" as a ground of non-discrimination in a private members' bill (Toby's Act) that was ultimately overturned in Ontario parliament (DiNovo 2007). If passed, the bill will allow people to present their gender in any way, in any social situation. This is an important, positive step towards legal and legislative recognition and visibility for trans people because it will bring all forms of sex and gender discrimination under a zero tolerance policy. Though the bill will not guarantee that discrimination will immediately cease, it will offer protections unlike any other type of legal documentation created to date (Castle 2005). Furthermore, it will provide trans people with a substantive point of recourse against acts of discrimination – at work and elsewhere. The passing of such legislation will render visible trans complaints within the HR judicial system.

While these legislative change suggestions are positive, some trans scholars and theorists argue that the pursuit of inclusive trans rights – and HR, in general – should be discarded. Viviane Namaste, in *Sex Change, Social Change: Reflections on Identity, Institutions and Imperialism* (2005), questions the struggle for trans-inclusive legislation in Canada. Namaste's

primary argument is that a post-colonial framework should be considered in the development of HR discourses, and that the current structures of legal, familial, and educational institutions are "mechanisms through which imperialism is achieved, denying rights to some humans, according them to others" (2005: xi). Namaste fervently critiques feminist analysis (on trans and trans-related topics) and institutional discourse (2005: 103 – 133). She argues that trans activists, scholars and legal theorists should actively critique the notion of trans rights and even fight *against* their proliferation and development (2005: 103). Namaste's oppositional stance on trans rights takes up discourses on post- and neo-colonialism, as well as the imperialist project of the West: she asserts that HR tends to "benefit the interests of American business" by imposing a homogenizing "world view and conceptual framework" that spans "across nations, languages, and culture[s]" (2005: 103). Namaste's is a highly controversial standpoint; however, she qualifies herself by emphasizing that her work is not meant to discredit the arduous work of those trying to reconcile the inequitable social circumstances that continue to face trans people in Canada (in relation to health care and legal provisions) (Namaste 2005: 104). Aside from reiterating concerns expressed earlier in this paper regarding the limitations of the category "sex" as an enumerated ground, Namaste brings to light other facets of Canadian HR legislation through an imperialist lens. She suggests that since there is no equivalent term for gender in French, "gender identity" is itself an insufficient HR term within a country bearing two official languages (2005: 114-15). Poignantly, Namaste questions whether the "everyday realities and world views of francophone transsexual and transgender people, as well as those who live in a language other than English, [can] be adequately represented within a legal framework that depends on anglophone concepts" (2005: 115). She goes on to suggest that "this type of political activism" can be seen as a "form of imperialism where the world view of English Canadians is

written into the law through the very language used" (2005: 115-16). Namaste also claims that the predominantly anglophone struggle for trans rights in Canada results in widespread ignorance regarding the developments of francophone HR protections that fall under the *Commission des Droits de la Personne* and that, specifically, contains the protected ground of *état civil* (2005: 116-17). Rarely, she suggests, does Québecois legislation enter into discussions of trans rights in Canada. This results in an oversight regarding the fundamental civil rights available to the entire Québec population under *état civil* – rights that indicate there is a problem with category-specific rights terminology. She cites a 1982 provincial court ruling that found a Québec restaurant owner guilty of an infraction under *état civil* for refusing to serve an MtF and expelling her from the premises (Namaste 2005: 116-17). Based on the results of this case, she exclaims that: "transsexuals and transgendered people in Québec have enjoyed 'basic HR protection' for more than twenty years!" because they are included in the rights discourse extended to the whole of the province's civil society (2005: 116).

The fact remains: establishing trans rights in the Canadian context is necessary in legitimating trans identities. Scholars and legal activists recognize the need to better represent and legally define trans rights in the interests of broadening and applying grounds for protection. However, most recognize the complexities that trans identities present in terms of the judgements we can make. Trans identities and rights issues challenge what our laws and policies tell us about how we can engage with the world effectively. When a trans person appeals on the basis of "sex", it is limiting because that individual is forced to identify with sexed binaries; similarly, to apply on the basis of "disability" implies a deep prejudice that pathologizes trans bodies.

The whole project of gender needs to be re-thought – for all people. Attention to trans individuals can offer a unique way to approach employment policy development (Schilt and

Wiswall 2008). Returning to the public visibility of the Kimberly Nixon case, barbara findlay asks, "Where the several elements of an individual's gender identity are not congruent, who is entitled to determine what the individual's gender really is? Logically, the answer could be any one of the individual, the medical establishment, the law, or the organization" (62). As responsible Canadian citizens, we must recognize our stake in establishing and implementing adequate protective grounds under which the trans population can access the same rights and privileges as everyone else. This position, which challenges Namaste's reasoning, recognizes that the current legal model is reformist rather than transformative and that the movement for change is, necessarily, an ongoing process. In this respect, expanding terms and making them more inclusive by having protections literally written-in to legislation is perhaps not totally satisfying, but a totally necessary next-step in protecting trans individuals under the law.

Bibliography

Anderson, Bennett. Personal Interview. Saturday March 14th, 2009 5:15pm Guelph, Ontario.

Bauer, Greta, et al. "I Don't Think This Is Theoretical; This Is Our Lives." Howe Erasure Impacts Health Care For Transgender and Transsexual People. ***Unpublished.*** Epidemiology and Biostatistics, Schulich School of Medicine & Dentistry, The University of Western Ontario. 2009.

Bauer, Greta. Personal Meeting. Monday March 16th, 9:00am, Schulich School of Medicine and Epidemiology, the University of Western Ontario.

Berdahl, Jennifer L. and Celia Moore. "Workplace Harassment: Double Jeopardy for Minority Women" in *Journal of Applied Psychology.* The American Psychological Association: 2006, Vol. 91, No. 2, 426 – 236.

Califia, Pat. *Sex Changes: The Politics of Transgenderism.* San Francisco: Cleis Press, 1997.

Canadian Auto Workers Union (CAW). http://caw.cca/en/services-departments-human- rights.htm. 2009.

Canadian Human Rights Act. Part I (Proscribed Discrimination General). http://laws.justice.gc.ca/en/showdoc/cs/H-6/bo-ga:l_I//en#anchorbo-ga:l_I 2009.

Canadian Human Rights Tribunal. *Michelle Montreuil and Canadian Human Rights Commission v. National Bank of Canada* 2004 CHRT 7; 2004/02/05.

Canadian Human Rights Commission. http://www.chrc-ccdp.ca/default-en.asp. 2009.

Castle, Stephanie. *The Zenith Experience: Encounters and Memories in a Transgender Setting.* Vancouver: Perception Press, 2005.

Casswell, Donald G. *Lesbians, Gay Men, and Canadian Law.* Toronto: Edmond Montgomery Publications Limited, 1996.

Christensen, Jen. "Sex. Gender. Employment Discrimination." The Advocate. Los Angeles. December 2, 2008. Issue 1020. March 9, 2009. http://proquest.umi.com

Commercial. Banco Provincia. http://transworkplace.ning.com/video/transwoman-in-a-bank. 2009.

Currah, Paisley, Richard M. Juang and Shannon Price Minter. *Transgender Rights.* Minneapolis: University of Minnesota Press, 2006.

Dawson, T. Brettel. "Law and the Legal Person" in *Women, Law and Social Change: Core Readings and Issues, 4th ed.* Ed. T. Brettel Dawson, pp. Captus Press: 2002. 147 – 166.

Denike, Margaret and Renshaw Sal. "Transgender and Women's Substantive Equality" in

National Association of Women and the Law, 2, pp. 1 – 27. March 2003. www.nawl.ca/lob-trans-dp.htm.

DiNovo, Cheri. "Bill 186, Toby's Act (Right to be Free From Discrimination Because of Gender Identity)". http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=1500. 2007.

Dishman, Neil. "The Expanding Rights of Transsexuals in the Workplace." The Labor Lawyer. 121. (2005): 121-139.

Egale Canada. http://www.egale.ca. 2009.

Egale Canada. "Transgender Day of Remembrance 2007: List of Memorialized People". http://www.egale.ca/extra%5C1372.pdf. Egale Canada, 2009.

Employment Equity Act, S.C. 1995, c. 44. http://www.canlii.com/en/ca/laws/stat/sc-1995-c-44/latest/sc-1995-c-44.html#history. Current version: in force since December 31st, 2005.

Employee Standards Act. "Your Guide to the *Employee Standards Act, 2000*". http://www.labour.gov.on.ca/english/es/pdf/es_guide.pdf. 2009.

England, Kim. "Disabilities, Gender and Employment: Social Exclusion, Employment Equity and Canadian Banking" in *The Canadian Geographer*. 47, no. 4 (2003) 429 – 450.

Feinberg, Leslie. *Trans Liberation: Beyond Pink or Blue*. Boston: Beacon Press, 1998.

Feinberg, Leslie. *Transgender Warriors: Making History from Joan of Arc to RuPaul*. Boston: Beacon Press, 1996.

findlay, barbara. "Acting Queerly: Lawyering for Trans People" in *Transforming Feminisms: Trans- Feminist Voices Speak Out*. Ed. Krista Scott-Dixon. Toronto: Sumach Press, 2006. 145 – 153.

findlay, barbara. "Real Women: Kimberly Nixon v. Vancouver Rape Relief" in *UBC Law Review 36*, University of British Colombia: 2003, 57 – 76.

Gordon, Shelly. "Inside out inside: Pride and solidarity at the CLC's Lesbian, Gay & Bisexual Conference. Our Times. 17.2 (1998): 18

"Government Offers Little Defense for Cutting Funding for Sex Reassignment Surgery (SRS) at Ontario Human Rights Tribunal Hearing". Egale Canada Press Release. http://www.egale.ca/index.asp?lang=E&menu=1&item=1156. April 20th, 2005.

Green, Jamison. *Becoming a Visible Man*. New York: Vanderbilt University Press, 2004.

Harris, Joanna. "Competing Claims From Disadvantaged Groups: Nixon v. Vancouver Rape Relief Society" in *Transforming Feminisms: Trans- Feminist Voices Speak Out*. Ed. Krista Scott-Dixon. Toronto: Sumach Press, 2006. 170 – 181.

Hopkins, Ann. "*Price Waterhouse v. Hopkins*: A Personal Account of a Sexual Discrimination Plaintiff". Hopkins First Format. June 14th, 2005, 5:02pm. http://law.hofstra.edu/pdf/Academics/Journals/LaborAndEmploymentLawJournal/labor_Hopkins_vol22no2.pdf. 2009

Human Rights Tribunal of Ontario. www.hrto.ca. 2009.

In Her Own Image: Transgender Activist Pauline Park. http://www.thegully.com/essayas/gaymundo/020702_transgender_p_park.html. 2009.

Karaian, Lara. "Strategic Essentialism on Trial: Legal Interventions and Social Change" in *Transforming Feminisms: Trans- Feminist Voices Speak Out*. Ed. Krista Scott-Dixon. Toronto: Sumach Press, 2006. 182 - 193.

Koch, Katie and Richard Bales. "Transgender Employment Discrimination." UCLA Women's Law Journal. 17. (2008): 243-267.

Lahey, Kathleen A. *Are We 'Persons' Yet?: Law and Sexuality in Canada*. Toronto: University of Toronto Press, 1999.

Law Office of barbara findlay, Q.C. http://www.barbarafindlay.com/. 2005.

MacDonald, Elanor. "Critical Identities: Rethinking Feminism Through Transgender Politics" in *Atlantis*, Fall/Winter, 1998. 23 (1), pp. 3 – 12.

Mayeda, Graham. "Re-imaging Feminist Theory: Transgender Identity, Feminism, and the Law". Canadian Journal of Women and the Law. http://muse.jhu.edu/journals/canadian_journal_of_women_and_the_law/v017/17.2mayeda.pdf. 423 – 470.

Murch, Kem. Personal Meeting. Friday March 20th, 10:00am.

Namaste, Viviane. *Invisible Lives: The Erasure of Transsexual and Transgendered People*. Chicago: University of Chicago Press, 2000.

Namaste, Viviane. *Sex Change, Social Change: Reflections on Identity, Institutions, and Imperialism*. Toronto: Women's Press, 2005.

National Association of Women and the Law. http://www.nawl.ca/. 2007.

National Transgender Advocacy Coalition. http://www.ntac.org/. 2009.

Newsom, Gavin and Virginia M. Harmon. "San Francisco and County Transgender Health Benefit". City and County of San Francisco and Human Rights Commission (U.S.)

Noble, Jean Bobby. *Sons of the Movement: FtMs Risking Incoherence on a Post-Queer Cultural Landscape*. Toronto: Women's Press, 2006.

Nussbaum, Nicole. Barrister, Solicitor and Notary Public. Personal Meeting. Sunday

March 22nd, 2009, 5:00pm. Specializes in LGBTQ employment law.

Olivo, Laurence M. "Systems of Law in Canada" in *Introduction to the Law in Canada.* Ed. L.M. Olivo. Captus Press, 2003: 43 – 58.

Olivo, Laurence M. "The Court System – Ontario" in *Introduction to the Law in Canada.* Ed. L.M. Olivo. Captus Press, 2003: 114 – 124.

Ontario Human Rights Commission. http://www.ohrc.on.ca/en/. 2008, Queen's Printer for Ontario. Last Modified: March 18th, 2009.

Ontario Human Rights Commission. "EMPLOYMENT: Your Rights and Responsibilities". http://www.ohrc.on.ca/en/issues/employment. 2008.

Ontario Human Rights Commission. "Ontario Human Rights Commission Releases Policy On Gender Identity". June 21st, 2000. http://www.ohrc.on.ca/en/. 2009.

Ontario Human Rights Commission. "Policy on Gender and Harassment because of Gender Identity". Marchv 30th, 2000. http://www.ohrc.on.ca. 2009.

Ontario Ministry of Labour. http://www.labour.gov.on.ca/english/es/. 2009.

Out and Equal Workplace Advocates. http://www.outandequal.org/. 2007.

Price Waterhouse v. Hopkins. U.S. Supreme Court. 490 U.S. 228 (1989). http://supreme.justia.com/us/490/228/case.html. 2009.

Price Waterhouse v. Hopkins. No 81 – 1167. Supreme Court of the United States. 490 U.S. 228; 109 S. Ct. 1775; 104 L. Ed. 2d 268; 1989 U.S. LEXIS 2230; 57 U.S.L.W. 4469; 49 Fair Empl. Prac. Cas. (BNA) 954; 49 Empl. Prac. Dec. (CCH) P38, 936. http://bss.sfsu.edu/naff/Diversity/Fall%202001/Hopkins%20v%20PW.htm. 2009.

Public Service Alliance of Canada. "PSAC Fights for Trans Rights" in *Newsletter,* October 2008.

Rupp, Shannon. "Transsexual Loses Fight with Women's Shelter." February 3, 2007 http://www.TheTyee.ca. (2009).

Schilt, Kristen and Matthew Wiswall. "Before and After: Gender Transitions, Human Capital, and Workplace Experiences" in *The B.E. Journal of Economic Analysis and Policy* (Contributions). The Berkeley Electronic Press. Volume 8, Issue 1. 2008, Article 39.

"Standing Up for Gender Justice: PSAC Fights for Trans Human Rights" in *Our Union Voice* published by PSAC: Public Service Alliance of Canada. Vol. 2, No. 2, Autumn 2008.

Sreedhar, Susanne and Michael Hand. "The Ethics of Exclusion: Gender and Politics at the Michigan Womyn's Music Festival" in *Transforming Feminisms: Trans- Feminist Voices Speak Out.* Ed. Krista Scott-Dixon. Toronto: Sumach Press, 2006. 161 – 169.

Status of Women in Canada. http://www.swc.cfc.gc.ca/index-eng.html. 2009.

The Human Rights Campaign Foundation. "Transgender Americans: A Handbook for Understanding". http://www.hrc.org/documents/harcTGguide.pdf. 2008.

The Transgender Studies Reader. Eds. Susan Stryker and Stephen Whittle. New York: Routledge, 2006.

Trans Human Rights Campaign. "Trans Rights are Human Rights!". http://www.transhumanrightscampaign.org/. 2007.

TransPulse Project. http://www.transpulse.ca/. 2009.

"Transsexual Wins the Right To Be Housed in Women's Prison." DAWN Ontario: Disabled Women's Network Ontario. September 22, 2001 (March 15, 2009) http://dawn.thot.net/Synthia_Kavanagh.html

Transworkplace: Transgender Workplace Diversity Network. http://transworkplace.ning.com/. 2009.

Transgender At Work (TAW). http://tgender.net/taw/. 2009.

Welsh, Sandy. "Gender and Sexual Harassment" in *The Annual Review of Sociology*. 1999, 25: 169 – 190.

Wilchins, Riki. *Queer Theory, Gender Theory: An Instant Primer*. Alyson Books: Los Angeles, 2004.

Wilson, Robin. "Transgendered scholars defy convention, Seeking to be heard and seen in academe." The Chronicle of Higher Education. 1998. http://www.transgendercafe.com/academia.htm. 2009.