

Standing Committee on
Social Development



Report on Bill 75: *Council
for Women and Gender
Diversity Act*

19th Northwest Territories Legislative Assembly

Chair: Ms. Caitlin Cleveland

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September 29, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Development is pleased to provide its *Report on Bill 75: Council for Women and Gender Diversity Act* and commends it to the House.



Ms. Caitlin Cleveland
Chair, Standing Committee on Social Development

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

REPORT ON BILL 75: *Council for Women and Gender Diversity Act*

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STANDING COMMITTEE ON SOCIAL DEVELOPMENT

REPORT ON BILL 75: *Council for Women and Gender Diversity Act*

INTRODUCTION

Bill 75: *Council for Women and Gender Diversity Act* (Bill 75) received second reading on March 9, 2023 and was referred to the Standing Committee on Social Development (Committee) for review. Bill 75 repeals and replaces the Status of Women Act (*Act*). In 2018, the Government of the Northwest Territories (GNWT) initiated a review of the *Act* to modernize language, provide clarity, meaning and strengthen the *Act* overall.

Based on the results of the review, the GNWT proposes legislative amendments to the *Act* that allows the Status of Women Council to continue as the Council for Women and Gender Diversity; clarify roles and responsibilities of the Minister, Council for Women and Gender Diversity, and the Gender Equity Division; modernize language; promote inclusivity; clarify the composition and member term limits; re-define legislative objects and powers; and include a purpose statement of the *Act*.

Committee Members were keen to review Bill 75, and upon review, are concerned that the legislative amendments to advance gender equity and achieve gender equality amongst women and girls, and 2SLGBTQIPA+ in the Northwest Territories (NWT) are not achieved. Committee Members, the Status of Women Council, and Northern Mosaic Network shared that barriers to gender equality go beyond gender, and include other parts of a person's identity, like the expression of gender; sexuality; ethnicity; age; disability; political status; employment status; and/or geographic location (living in a small community versus a regional centre or Yellowknife).

COMMITTEE CONSIDERED PUBLIC INPUT

Committee sought public feedback on Bill 75 with a public notice and targeted engagement letters. Committee received a written submission from Northern Mosaic Network. The written submission is included in an Appendix to this report.

Public Review

Committee held a public review of Bill 75 on June 28, 2023¹. At that meeting, Committee heard remarks from the Minister Responsible for the Status of Women Council (Minister), and asked questions to the Minister regarding the lack of definitions for key terms like, “gender equity” and “gender equality,”; the lack of a preamble; the lack of reference to Missing and Murdered Indigenous Women and Girls; the lack of reference to other entities in the NWT that are working to advance gender equality; lack of core funding mechanisms for those entities; appointment of council members; and diversity of Board Member of representation.

Committee also heard from the Status of Women Council including Board Members Rita Arey, Board President, Beaufort-Delta Region; Shelley Browne, Board Member, North Slave Region; Dora Minoza, Board Member, South Slave Region; Delphine Pierrot, Vice President, Sahtu Region; Anna Pontikis McLeod, Board Member, Deh Cho Region; and Sophie Lubet, Executive Director. Status of Women Council Board Members and Executive Director highlighted the need for collaboration with other entities working to advance gender equality; concerns about the lack of definitions of key terms; the need for a preamble; concerns that the stated purpose falls short on addressing critical issues; and desire to retain the name of the original Act.

COMMITTEE CANNOT ENDORSE THE GNWT APPROACH AT THIS TIME

Committee is of the view that Bill 75’s legislative amendments do not go far enough to meet the needs of stakeholders to support gender equity and achieve gender equality for women, girls and 2SLGBTQIPA+ in the NWT.

Committee is unequivocally committed to gender equity and gender equality for women, girls and 2SLGBTIPA+ among all persons regardless of their expression of gender; sexuality; ethnicity; age; disability; political status; employment status; and/or geographic location. Committee believes that taking an intersectional approach and acknowledging the ways that different aspects of a person’s identity can overlap and create compounding experiences of discrimination is imperative to breaking down barriers to gender equity and gender equality. In addition, these unique experiences must be understood in an NWT context.

Robust engagement with Indigenous governments, non-governmental organizations and NWT residents are required to inform the development of inclusive and meaningful

¹ Legislative Assembly, Standing Committee on Social Development, Public review of: Bill 75: *Council for Women and Gender Diversity Act*, Accessed September 25, 2023, <https://www.youtube.com/watch?v=HnYQVVHyLoU>

legislative amendments for future. Trauma-informed and culturally safe engagement facilitation is key as many women, girls and 2SLGBTQIPA+ have faced discrimination. Accordingly, future legislative amendments should be written in plain language through trauma-informed and cultural safe lenses. Committee heard clearly that legislation must be accessible and easily understood. Committee believes that this approach will foster sincere collaboration and relationship development Indigenous governments, non-governmental organizations and NWT residents.

Finally, the NWT is unique in its population, geography and social landscapes. Future legislative amendments must be made with in-depth knowledge of the mandate, goals, and capacity of territorial non-governmental organization partners. The GNWT must work in collaboration with important partners, such as the Status of Women Council and Northern Mosaic Network, to honour differences and at the same time advance gender equity.

CONCLUSION

On September 21, 2023, Committee held a clause-by-clause review². Based on stakeholder concerns, Committee passed a motion to report Bill 75 to the Legislative Assembly as not ready for consideration in Committee of the Whole. This concludes Standing Committee's review of Bill 75: *Council for Women and Gender Diversity Act*.

² Legislative Assembly, Standing Committee on Social Development, Public Clause-by Clause review regarding: Bill 75: *Council for Women and Gender Diversity Act*, Accessed September 25, 2023
<https://www.youtube.com/watch?v=1BgUpHOjJug>



NORTHERN **MOSAIC** NETWORK

July 6th, 2023

Response to Bill 75: *Council for Women and Gender Diversity Act*

Dear Standing Committee,

Thank you for the opportunity to provide feedback on Bill 75: Council for Women and Gender Diversity Act.

Over the past five years, the Northern Mosaic Network (NMN) has delivered over 35 2SLGBTQIA+ Workplace Awareness Training in partnership with GNWT employees in communities in all regions of the NWT. As an organization we are proud of this partnership, and are glad that our staff, volunteers, and board's feedback and knowledge is being considered as subject experts as well as people with lived experience as both transgender and gender diverse.

It was impactful to hear the Premier speak to some of the negative comments the government has received for actively supporting 2SLGBTQIA+ peoples during pride month, in particular transgender and gender diverse peoples. The Presence of Ministers at Pride events and the Members of the Legislative Assembly in the recent pride parades in Yellowknife and Inuvik set an important precedent. We know this work is essential in the territory, and want to work together in a good way as community members impacted by Bill 75.

NMN urges the Standing Committee to consider that this legislation, while intended to broaden and better service gender diverse people, may inadvertently jeopardize our funding as an organization currently serving the needs of gender diverse people, and in turn, jeopardize the provision of crucial services, such as education, mental health support, youth outreach programs, and initiatives this bill is looking to support.

The spirit of this legislation is ultimately to protect and uplift women and gender diverse people who have historically and continually been marginalized; NMN shares this vision and our organization is glad to be offered this opportunity to voice this concern and share perspective with the Standing Committee in advance of the last assembly of this government.

Potential Impacts to Service Provision for Transgender and Gender Diverse Youth

NMN has addressed specific service gaps for gender diverse people in the NWT over the past 12 years such as:

- Provision of Gender inclusive clothing and gear;
- Peer to peer support for transgender and gender diverse youth and adults;
- Support for parents of gender creative children and youth;
- Costs for transportation for NWT residents accessing gender affirming care, not covered by health insurance or medical travel;
- Education, learning and resource pathfinding for Gender diverse youth and adults;



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- Development of curriculum, workshops and teaching aids;
- Free rapid HIV testing kits, safer sex supplies, and educational materials specific to transgender and gender diverse people;
- Planning, coordination, execution of Pride activities servicing over 1000 people in Yellowknife, and mentorship of similar events across the NWT;
- Employment of transgender and gender diverse people since our inception in key roles throughout our organization.

These services are essential for the overall well-being and inclusivity of 2SLGBTQIA+ individuals, and their absence can have detrimental effects on mental health, community cohesion, and the fight against discrimination in the NWT. While the broadening of the Act is important to identify issues specifically facing Transgender and Gender Diverse people, we must be able to maintain our funding sources to ensure that service provision can occur at the government, non-profit and private sector to allow for options.

We are also an inclusive employer, and currently have a team of 8 staff servicing communities across the NWT who predominantly paid through grant funding.

NMN employs the community we serve to undertake service provision, and provides mentorship and training within our teams to ensure long term skill building in areas such as project management, coordination, education, youth and childcare, facilitation, management, and policy.

History of NWT LGBTQIAA+ Advocacy to NWT Legislative Standing Committees

While I recognize that we are nearing the end of the Mandate of the 19th Assembly, I would strongly encourage elected officials to prioritize the lived realities, needs, and the potential for detrimental consequences for Gender Diverse people in the NWT when reviewing this legislation.

In 1997, an organization called OutNorth was formed in response to a call for public input on NWT Family Law. For the next decade, OutNorth spent time supporting the 2SLGBTQIA+ community, mostly through lobbying. With repeated submissions to Standing Committee, OutNorth successfully lobbied the GNWT to allow for same-sex couples to adopt children (1998), pass the NWT Human Rights Act to include protection against discrimination because of sexual orientation or gender identity (2002), and allow for same-sex marriage (2005).

The Northern Mosaic Network, and our previous iterations as Out North, It Gets Better Yellowknife, and NWT Pride have grappled with many of the issues related to gender discrimination identified in this legislation since the 90s. As citizens, constituents, organizers, and people affected by Bill 75, we are invested in collaborating with the GNWT in ensuring the bill meets the needs of gender diverse people, because this is work that we are already engaged in personally and professionally.

However, our organization in its current iteration has existed in the NWT predominantly through the efforts of staff, volunteers and community members. There is



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concern that while broadening definitions in the act is necessary, exciting and important, the clause requiring the Council for the Status of Women and Gender Diversity under S.4(f) needs to be strengthened.

More specifically, many of NMN's applications for Federal funding to provide services for gender diverse people, to education, to employ staff, and to ensure our center is able to run are because these services are not or cannot be offered by the GNWT. While it is exciting to imagine a future where gender diverse people will have additional services, the impact of changing the language within Bill 75 without budgeting for additional supports or providing core funding to NMN, is that we may not be able to access these funds.

Challenges in Legislative Development

We know that nothing important is done alone. NMN is fortunate to collaborate with community partners, and has been in contact with the Executive Director for the Status of Women Council (SWC) to better understand some of the challenges and opportunities offered in Bill 75. In particular, the capacity of the SWC in its current iteration to do this work, and the recognition that NMN has been undertaking this work for over 12 years.

In its current iteration, the act review fails to mention education, awareness and protections for gender diverse people. This is likely due to its narrow scope and specific legislative goals - however, as the act establishes the Status of Women and Gender Diversity Council and provides an impetus for funding and mandated to do the work of supporting gender diverse people, NMN is concerned that without explicit mention of supporting existing organizations there may be the unintended funding impacts to us.

The Gender Equity Division does not have the capacity to support programs and service delivery to gender diverse people at this time. To move forward Bill 75 without adequately supporting staff, is also to fail to uphold the spirit of this legislation and to fail the Gender Diverse communities of the NWT.

Recommendations from NMN

In light of these challenges, I urge Standing Committee to consider the following recommendations related to Bill 75:

1. Minister for the Status of Women be changed to Minister for the Status of Women & Gender Diverse Peoples to include gender diversity recognizance beyond the bill, for consideration next assembly;
2. Recognition within the act that the Status of Women Council has an important role in supporting *existing and future* organizations within the NWT who are undertaking Gender-based violence prevention, supporting Gender Diverse People and provision of services;
3. Promotion of "equality of women" becomes promotion of the "equality of gender diverse peoples in the NWT"; and
4. Explicit recognition of gender diversity, including transgender people, as a priority group for protection within the act and within the work undertaken by SWC provided



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that this does not affect the ability for existing and future organizations to access funding;

In addition, NMN requests that Committee also considers:

5. The role of colonialism in limiting gender expression, in particular, the ways that government definitions of sex and gender have contributed to the lack of access to healthcare services for gender diverse peoples in the NWT, and how this has translated to organizations such as NMN addressing these gaps; and
6. The implications of the bill for service provision to gender diverse people due to unintended financial impacts on existing organizations.

Invitation to Speak Further and Come to the Rainbow Center

By addressing these recommendations, the government of the Northwest Territories can demonstrate its commitment to fostering inclusivity and supporting the 2SLGBTQIA+ community, specifically of gender diversity in the NWT. It is essential to ensure that that Northern Mosaic Network is not inadvertently cut off from essential funding due to changes to this Bill, and that emergent or new organizations have the necessary resources to continue work to support gender diverse people in the Northwest Territories.

NMN recognizes that the best work occurs collaboratively. I would be grateful for any updates or actions taken regarding these recommendations, and am willing to meet with any members of the standing committee to answer questions.

Our doors are open, and I look forward to members taking us up on our invitation to visit our Rainbow Center in Yellowknife, or invite us to your community to speak further. Thank you for your attention to this important issue.

Sincerely,

Chelsea Thacker
Executive Director
Northern Mosaic Network