

Making Gender and Name Changes on Identity Documents

A Legal Resource for
Two-Spirit, Nonbinary
and Trans Communities



Department of Justice
Canada

Ministère de la Justice
Canada



The Law
Foundation
of Ontario



TORONTO



METRAC
ACTION ON VIOLENCE

Making Gender and Name Changes on Identity Documents

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Nonbinary and Trans Communities

This guide was produced by METRAC, with funding provided by the Law Foundation of Ontario.

We are grateful for the time, energy and ongoing guidance provided by members of the Two-Spirit/Nonbinary/Trans community. We would like to thank Tala Jalili, Susan Gapka, Angelo Luu, Faelix Kayn, Keysia Corothers, Maiesha Zarin, Tatiana Ferguson, Ve Tao, Eva Simone, Renelle Dowuona, Maybella King-Reynolds, and Monica Forrester for spending many hours over the course of a year to discuss and develop the content of this booklet. This resource would not be possible without their expertise and thoughtful feedback. Thank you for sharing your experiences and providing your essential knowledge.

We would also like to thank Leila Sarangi, for providing compassionate facilitation during our meetings, and creating a space that allowed for nuanced conversation.

We also thank the Department of Justice Canada for their contribution to launching and distributing this resource.

Table of Contents

Introduction — 3

- Identity Documents in Ontario — 4

How to Change the Gender Marker on Your Official Birth Records — 7

- Birth Records — 7
- Amending the Gender Marker on Your Birth Registration — 8
- Changing the Gender Marker on Your Birth Certificate — 10

How to Apply for a Legal Name Change in Ontario — 12

- If You Were Born in Ontario — 12
- If You Were Born Outside of Ontario — 13
- After Changing Your Legal Name — 14

How to Make Changes on Additional Identity Documents in Ontario — 16

- Driver's License — 16
- Ontario Health Card — 17
- Ontario Photo Identity Card — 18

Other Ontario Documents — 21

- How to Make Changes to Your Marriage License — 21
- How to Make Changes to a Death Certificate — 21

Federal Government Documents — 24

- How to Change your Name and Gender Marker on Your Passport — 24
- How to Change your Name and Gender Marker on Your Social Insurance Number (SIN) Card — 27
- How to Change your Name and Gender Marker on Your Indian Status Card — 28

Your Human Rights — 30

- Testimonials — 30
- You Can Make a Human Rights Complaint — 31
- Where to Start? — 33
- Human Rights Tribunal of Ontario — 33
- Canadian Human Rights Tribunal — 34

Documents to Help You Get Started — 36

- Helpful Documents — 36
- Fees as of June 2020 — 36
- General Resources — 37



Introduction



Introduction

For many Two Spirit, Nonbinary and Trans individuals, the information on their legal documents does not match their lived identities. If this is the case, you may consider changing your documents to match your gender and name.

Everyone in Canada has the right to define their own gender. This means that you have the right to change your gender marker and name on all your identity documents. This includes your Birth Certificate, Driver's License, Photo Card and Health Card. Similar federal law gives you the same rights for documents issued by the federal government, like your Passport. There may be different rules that apply if you are not a citizen of Canada.

This resource will talk about how you can make changes to your documents and what you can do if you feel that your gender and name are not being respected. This is a growing area of law and every province has different rules on how to make these changes. This article only talks about the rules for Ontario, as well as the rules for changing this information on your Canadian Passport, Social Insurance Number (SIN) card, and Indian status card.

In this resource, your lived experience and identity will be referred to as your **gender identity**. The term **gender marker** is used to talk about the identity listed on a "public-facing" document. Unfortunately, the government continues to keep information about people even after they change names or genders. This means that your old gender marker and name may be kept in internal government records. However, the changes described in this article will affect the documents you use to get around in daily life. These are called your "public-facing" documents and are the identification you choose to show to the world.

The government also continues to use the term “sex” in some documents to refer to gender identity, and the terms “Male” and “Female” in its documentation.

.....**A Note on Gender Markers**

Many government documents now offer the option of showing M, F, or X. It is however important to note that at this point, gender markers on public-facing documents do not accurately represent nonbinary identity.

Although many nonbinary individuals may choose to mark “X” in a document, this marker is not itself nonbinary. Instead, the “X” can be seen by some as an absence of gender marker. Individuals who choose to mark “X” may still have a binary gender (M or F) on file within internal government records. This can sometimes lead to confusion and discrimination against nonbinary individuals when trying to receive services.

.....**Identity Documents in Ontario**

There are four main identity documents in Ontario that show information about your gender:

- Birth Certificate
- Driver’s License
- Photo Identity Card
- Health Card (for benefits under the Ontario Health Insurance Plan (OHIP))

You can decide if you want to change the information on your documents. You should know that in some cases, changing one document means that you will have to change others.

You do not have to change all your documents at the same time. You can send in several applications at once if you want, but you can also wait and apply for each document at different times. You can decide when you want to make these formal changes.

Changing each document has a separate fee. These fees sometimes change and can add up to a lot of money. Make sure you check with Service Ontario for the most up to date cost: <https://www.ontario.ca/page/official-government-id-and-certificates>

If you were born in Ontario, to make changes to your Ontario documents you usually start by changing the information on your Birth Certificate. If you were born outside of Ontario, there are different steps to follow.

You do not have to have gender reassignment surgery to apply to change your gender marker or name on any legal document. No surgery of any kind is required.



How to Change the Gender Marker on Your Official Birth Records



How to Change the Gender Marker on Your Official Birth Records

..... Birth Records

Everyone born in Ontario must be registered with the government. This is a **Birth Registration**. Your Birth Registration has details about your birth (date, name, parents' names, place of birth, birth weight). It is a government record that is the basis of your permanent legal record.

Your legal guardians must register your birth within 30 days of the day you were born. The sex that is assigned to you on your Birth Registration comes from information provided by your parents and medical staff who were present at birth. It is based on the appearance of your body and physical characteristics.

Your **Birth Certificate** is a government document made with the information in your Birth Registration. When you are 18 or older, you or your parent can apply to get you a Birth Certificate, which you can use as official and legal proof of your identity. Your Birth Certificate can be used as a public facing document to get other government documents, like a Driver's License or a Passport.

If you want to change information on your Birth Certificate, you must ask for an amendment on the information on your Birth Registration first. You can then apply for an updated Birth Certificate that shows the new information.

It is important to know that amending the information on your Birth Certificate does not change the data in your Birth Registration. An amendment is a change that can be made on the public version of your document. This will not change the information that is in your government data.

Both your assigned gender and your current gender identity will be listed together in the database. This means that the government will have access to the old information.

It is not possible yet to change the information kept in government records. However, it is possible to change the information on your public-facing documents.

.....**Amending the Gender Marker on Your Birth Registration**

You can only amend the information on your Birth Registration in Ontario if you were born in Ontario.

If you were born in Canada but outside of Ontario, you can contact the government service agency in that province to learn more about the process. If you were born outside of Canada, you can contact your country's embassy in Canada to find out more information. In Ontario, you can amend the gender on your Birth Registration to F, M, or X.

You can then request a Birth Certificate that shows your updated gender marker to the public. Your old gender marker is still listed in the internal government records.

You must be 16 years old to request an amendment on your Birth Registration. If you are under the age of 16, your parent or legal guardian can make a request with your written consent.

To make this change, you must submit these documents to the Ontario Registrar General, which can be found here:

<https://www.orgforms.gov.on.ca/eForms/start.do>

>>> *Fill out:*

- Application for Change of Sex Designation on Birth Registration of an Adult: A form with your basic mailing information;
- Statutory Declaration for a Change of Sex Designation on a Birth Registration of an Adult: Form declaring your desire to change your gender, signed in front of a notary. A notary is someone who is legally allowed to witness your signature on official documents;

- Application Form for Birth Certificate, to get your updated Birth Certificate.

>>> *You also need to provide a letter of support signed by a doctor or psychologist authorized to practice in Canada. This letter should say:*

- The doctor has treated or evaluated you and can confirm that your gender identity does not match what is currently on your Birth Registration;
- The doctor has the opinion that the amendment of gender marker on the Birth Registration is appropriate (the government requires a doctor's opinion);
- The doctor's medical license number, proving that they can work in Canada.

>>> *Include all your previous Birth Certificates.*

Currently, the fee for changing your gender marker in the birth registry is waived until April 30, 2020.

You **do not** have to have gender reassignment surgery to request this amendment. If you have had surgery, you can include medical documents or a letter saying this, instead of the letter of support.

These requirements can make it hard for some people to request a gender change. If you are not able to get a letter from a doctor, you may be able to apply with an alternative document confirming your gender. To find out if you can use an alternative document, you should contact the **Ontario Registrar General** at 1-800-461-2156.

..... Changing the Gender Marker on Your Birth Certificate

If you want to change information on your Birth Certificate, you have to amend the information on your Birth Registration first. After following the steps above, you can apply for an updated Birth Certificate that shows the new information. Unlike your internal birth registration, your old information will be not shown on your new birth certificate.

You can request that your Birth Certificate shows your gender as F, M, or X. You can also make a request for a Birth Certificate that does not show any gender marker. To request no gender marker, the only form you have to complete and submit is a **Request for Birth Certificate form**.

There is a fee of \$25 to get a new Birth Certificate with the changed gender marker.

Remember that your Birth Registration must display a gender marker. So even if you remove a gender marker from your Birth Certificate, that **will not** change your Birth Registration.

Having a Birth Certificate that reflects your gender identity can make it much easier to change other documents.





How to Apply for a Legal Name Change in Ontario



How to Apply for a Legal Name Change in Ontario

If you are changing the gender marker on your Birth Certificate, you can choose if you also want to change your legal name. If you go by a name in everyday life that is different from the name on your legal documents, you may want to make an official change. Using a different name than the one on your identity documents can cause confusion and difficulties when you apply to receive services or when you sign official documents.

Changing your name on your birth records is a separate process, but if you are changing your gender marker, you can apply to make both changes at the same time. There is a separate fee for applying to change your name.

It is important to know that if you change your legal name on your Birth Certificate, you will also have to change your name on many of your other identity documents.

Your old name will still remain in your government records. Both names will be shown in their database.

..... If You Were Born in Ontario

If you were born in Ontario, your legal name is the one that appears on your Ontario Birth Certificate. You can amend your legal name by applying for a legal name change under the Change of Name Act .

You can change your legal name if:

- You are over 16 years old; and,
- You have lived in Ontario for the past 12 months. You will need a person to sign your application who is not a relative, who can support your claim that you have lived here for the past year.

>>> *The Ontario Registrar General can change your legal name if you send:*

- A completed **Application to Change an Adult's Name form**, which includes personal information about you, your finances, any criminal record, and reasons why you want to change your name;
- All of your previous Birth Certificates;
- A Police Record Check (if requested because of criminal charges against you);
- Proof of payment of a fee (for example, a credit card receipt showing the payment)

If your name change is approved, you will receive a new **Birth Certificate** and a **Change of Name Certificate**, which shows your old name and your new name. Your new Birth Certificate will only show your new name. You can use either your Birth Certificate or the Change of Name Certificate to change your name on other documents like your Driver's License, Health Card and Photo Identity Card.

..... **If You Were Born Outside of Ontario**

If you were born outside of Ontario, your legal name is the one recognized by law in the last place you had a strong connection before living in Ontario . This is usually the name that is on your Birth Certificate. The best way to find out how to change your Birth Certificate is by contacting the government services agency in your home province.

If you don't or can't change your name on your Birth Certificate from a place outside of Ontario, you can still change your legal name in Ontario for Ontario documents like your Driver's License and Health Card.

To do this, you can apply to receive a **Change of Name Certificate**. You must be over 16 years old and living in Ontario for the past 12 months. In addition to completing an **Application to Change an Adult's Name**, you must submit

all previous Birth Certificates. If you were born outside of Canada, you must also submit photocopies of your Passport and proof of your immigration status in Canada, such as a Canadian Citizenship Card, Permanent Resident Card, or Record of Immigrant Landing.

..... **After Changing Your Legal Name**

In most cases, a legal name change in Ontario must be published in The Ontario Gazette. This is an official public record that everyone can read. There is an exception to this rule for transgender and Nonbinary people who request that the record not publish their name change. You can submit this request by filling out the **Request for Non-Publication in the Ontario Gazette**. It is your decision if you want your name change to be published.

It is important to know that if you change your legal name on your Birth Certificate, *you must notify Service Ontario within six days.*

Your name on your Driver's License or Photo Identity Card has to match the name on your Birth Certificate, and you will need to bring your current Driver's License and your Change of Name Certificate to a Service Ontario location. If you do not change your Birth Certificate but you get a Change of Name Certificate in Ontario, you can decide whether to change your name on other legal documents.

If you change the name on your Birth Certificate, you must also make sure that the same name is on your Canadian Passport or other Canadian immigration documents and your Social Insurance Number record.



How to Make Changes on Additional Identity Documents



How to Make Changes on Additional Identity Documents

..... Driver's License

Changing Your Gender Marker

You can change the gender marker on your Driver's License to M, F, or X.

Once again, this means that your gender marker is changed on your public-facing license; the information linked to your name in the government records will show both new and old gender markers.

If you want to change your driver's license to show X, you do not need to submit any supporting documents. You can make a request at a Service Ontario center. Because each Service Ontario center is different, you may find some staff who still want to request documents. *This is against the rules. You have the right to refuse to provide documents. However, even if you change your license to mark your gender as "X", the internal government record will retain the binary sex assigned at birth (M or F). This may create barriers when accessing services.*

If you feel that you are being discriminated against at any point when accessing services, you have the right to file a claim with the Ontario Human Rights Tribunal.



If you want to change your gender marker to M or F, you will need to give supporting documents.

Using Your Birth Certificate:

If you want to change the gender marker on your Ontario Driver's License to M or F, you can submit a valid Birth Certificate that shows your gender to a Service Ontario location.

Without a Birth Certificate:

If you do not have an updated Birth Certificate that shows your gender and you want to change the gender marker on your Driver's License to M or F, you need to submit:

- A letter from you requesting the change. This letter should include your name, address, Driver's License number, and the name and address of a doctor or psychologist who has signed a letter in support.
- A signed letter from a doctor or psychologist stating that they have "treated or evaluated you" and confirming that the requested change is appropriate.

..... Ontario Photo Identity Card

The Ontario Photo Identity Card is a photo identification card that you can get if you do not have a Driver's License. It can be used as valid identification in most daily interactions in Ontario.

You can change the gender marker on your Ontario Photo Card to M, F or X. To do this, you follow the same steps as are needed to change your gender marker on your Driver's License (explained above).



..... Ontario Health Card

In June 2016, Ontario stopped putting a gender marker on new Health Cards.

If you have a Health Card that was issued before June 13, 2016 and you would like to get one that does not show a gender marker, you can call 1-866-532-3161 or visit a Service Ontario location. If you have to replace your current Health Card because it has expired, is damaged or lost, your new card will not show any gender marker.

If you want to change your name on your Health Card, you must complete a **Change of Information form**, and submit it with either a Change of Name Certificate or an updated Birth Certificate.



>>>If you have an old red and white Health Card, you must also provide three documents that show:

- Proof of citizenship or Ontario Health Insurance Plan (OHIP)-eligible immigration status
- Proof that you live in Ontario (such as a rental lease, Driver's License, employment pay stub, ODSP statement, etc.)
- Official document with your name and signature (such as a Driver's License, credit card, student identification card)

You should know that even though there is no gender marker on your Health Card, it does not mean that there is no gender marker in your health records. The gender assigned to you at birth remains in the system. You can request a change in your electronic health records by speaking to your doctor or hospital staff. This includes changes to M, F, or X.

It is important to understand that even with a requested change, your previous stated gender marker will always be kept in the records. For nonbinary individuals, even if X is requested, the previous binary gender marker will remain in the internal records.

You have a right to access health care services without discrimination and harassment. Hospitals and health care providers have a duty to accommodate your needs related to your gender identity and gender expression in many situations . This includes identifying and addressing you with your gender identity and chosen name.

If you feel that you are receiving unfair treatment or being discriminated against while receiving medical services, you can make a complaint. There is more information about your human rights at the end of this booklet.



Other Ontario Documents



Other Ontario Documents

..... How to Make Changes to Your Marriage License

In Canada, two people of any gender identity can marry each other.

To get married, you need to get a Marriage License from the government. This requires 2 pieces of government issued ID that show your name.

After you are married, a Marriage Certificate will be given to you as the legal record of the marriage, based on the information in your License. It includes you and your spouse's name, and the date and the place of your marriage ceremony. It does not show any gender markers. The province or territory where your marriage occurs registers your marriage and issues your Marriage Certificate.

In Ontario, if you have changed your legal name, you can make that change on your Marriage Certificate by completing a form and giving evidence of your name change. You must contact Service Ontario directly to request a **Correction to a Marriage Registration form (Form 23)**, at 1-800-461-2156 or 1-416-325-8305 for the Greater Toronto area.

You will need to provide a copy of your updated Birth Certificate or your Change of Name Certificate.

..... How to Make Changes to a Death Certificate

It can be hard to think about death, but it is important to consider what can happen to your legal identity when you are not here to make decisions. Even though there have been many changes in the law to recognize different lived identities, the law does not always recognize these identities in death.

In the event of a death in Ontario, a doctor or coroner usually completes the Medical Certificate of Death and gives it to a funeral director, along with the body of the deceased. This means that the listed gender is often based on a doctor's examination of the physical body. This might not always reflect your lived identity.

To register a death with the Government of Ontario, a family member or funeral director must complete a Statement of Death. One way to avoid being misgendered is to consider writing a **will** that can give instructions about how you should be identified after you pass away. You can also consider writing a "**living will**" that gives instructions to someone to make decisions for you during your life, if you should lose the ability to make decisions for yourself. It is a good idea to talk to a lawyer before you write this, to make sure you include all the necessary information. One way to get help is to contact the **Pro Bono Ontario Free Legal Advice Hotline** or visit: <https://www.probonoontario.org/hotline/>

For more information about wills, visit:
<https://www.halco.org/areas-of-law/powers-of-attorney-wills>

You will have to name an executor or substitute decision maker, a trusted person who will respect your choices and carry out your will. This person does not have to be a family member. The person you choose can communicate your gender to medical staff and a funeral director, or can complete the Statement of Death themselves to make sure your identity is respected.

It is always a good idea to talk to a lawyer who can help you decide what to write in a will and to ensure it is legally valid.



Federal Government Documents



Changing Your Gender Marker to M or F

>>> *If you want to change your gender marker to M or F on your passport, you must submit the following documents to a Passport office:*

- A completed **Adult General Passport Application**;
- Proof of Canadian citizenship;
- Document to support your identity ;
- Two passport photos;
- A Birth Certificate showing your updated gender marker.

>>> *If you do not have a Birth Certificate that shows your gender, then you must also include:*

- A completed **Request – Sex or Gender Identifier form**;

Identity documents must have your name, gender identity, date of birth, photo and a signature (for example, a Driver's License).

Changing Your Gender Marker to X

Previously, if you identified with X and wanted this to show on your Passport, you needed to make a request for an **"observation sticker"** added to your Passport. This added the following statement to your Passport: *"The sex of the bearer should read as X, indicating that it is unspecified"*, which would appear next to the gender box on your Passport.

Now, the Government of Canada allows for X to be printed directly on your passport. To do so, you need to follow the same procedure as changing the gender to M or F.

If you have a passport with an observation sticker on it, you can now apply for an update to show X on your passport.

It is important to know that Canada cannot guarantee entry or exit through borders of other countries if you have X on your Passport. There are only six other countries in the world that allow for X on passports.

It is your responsibility to make sure that you can safely cross into other countries. Many countries that do not have the same laws as Canada may not recognize X as a gender and having this marked on your passport may create risk of discrimination, abuse, or violence when crossing international borders. If you want to find out more about how you might be treated in another country, based on your gender identity, check with the country's Embassy, High Commission or Consulate here in Canada. You can find the country's representative here:

<https://travel.gc.ca/assistance/embassies-consulates>

It is also important to remember that these changes are only on your public-facing travel documents. Your old gender marker may still be listed in internal government records. This can also cause problems when crossing borders.

Changing Your Name

The name on your Passport must be the same as the one on your Birth Certificate. If you have changed your name on your Birth Certificate, you must apply for a new Passport. To do this, you will need to submit:

- A completed **Adult General Passport Application**;
- Your current Passport;
- Identification that shows the name change;
- Your Birth Certificate issued in your new name.

It is important to know that submitting a request to change any information does not guarantee that it will be accepted. The Government may request additional information. If you feel that you are being discriminated against based on your gender, you have the right to make a human rights claim.

..... How to Change your Name and Gender Marker on Your Social Insurance Number (SIN) Card

Your Social Insurance Number (SIN) is a nine-digit number that you need to work in Canada and access government benefits. A confirmation of SIN letter (previously a SIN card) is issued by the Government of Canada.



Changing Your Gender Marker

A SIN letter displays only your name. There is no gender marker. However, you should know that there is still a gender marker linked to your name in the SIN record system.

You can change your SIN record to M, F, or request a note for X. To do this, you must prove your identity and immigration status in Canada with a **primary identification document**, like a Birth Certificate. Your chosen gender marker must be shown on the primary document.

If you want your gender to be marked as X, there will be a note added to your SIN record stating this choice.

Changing Your Name

If you have changed your legal name, you must update your SIN record. You will need to provide a primary document that shows this name change. If the name on your primary document is different from the name you are now using, you must also submit a supporting document like a legal Change of Name Certificate.

..... How to Change your Name and Gender Marker on Your Indian Status Card

An Indian Status Card is provided by the Federal government to people who are registered under the Indian Act. It allows you to be eligible for certain government benefits and services. Indigenous and Northern Affairs Canada (INAC) is responsible for maintaining this registry.

If you want to change the gender marker on your Indian Status Card, you will need to submit a **Long Form Birth Certificate** showing your changed gender.

If you want to change your name on your Indian Status Card, you must submit an original **Change of Name Certificate**.

If you want to amend this information, contact the INAC Public Enquiries office, or your band office:

<https://www.aadnc-aandc.gc.ca/eng/1291132820288/1291132853616>





Your Human Rights



Your Human Rights

.....Testimonials



'I tried to change my driver's license to say X, but I was refused and then sent to a different office. The other office didn't even know this was possible! The internal system hadn't been updated and I had to explain everything several times.'



"I changed my gender marker on my Ontario IDs with no problem, but when I tried to change my SIN card, I was addressed with the wrong gender consistently by the staff."



"I am nonbinary; one of the people who legally challenged Service Ontario over the lack of gender neutral gender markers, and one of the first to receive an X marker on their birth certificate and Ontario Photo ID.

Despite this, I continue to face systemic misgendering and discrimination whenever I try to access everything ranging from healthcare, to service ontario, to employment, to disability support, to housing, and so on. The government has designed the X marker to be purely superficial- meaning that while an X or no gender may appear on your identification, a binary gender (M/F) is still retained on your file and is seen by those providing you service. It is why anyone can apply to get an X marker to "conceal" their gender without a doctor's note. Nonbinary people are denied our right to legal transition and proper identification; ensuring that we continue to face systemic misgendering, transphobia, and erasure.

I have been openly mocked, continuously misgendered, humiliated, and ultimately denied service at a Service Ontario (in Downtown Toronto) for refusing to lie on a legal document (which is illegal) and say I was "female" when I had the birth certificate and doctor's letter

stating I was nonbinary — years later, I still cannot update my address. Everytime I go to a hospital it is the same — I am forever needing to calmly provide free education and then choose between still being misgendered or accessing necessary services. It is devastating.

The current X marker is a lie; a bandaid over an “M” or “F” option, rather a gender marker in and of itself. This needs to change; We do not have trans rights as long as nonbinary trans people are not recognized.”

Did You Have Problems Trying to Change Your Name or Gender Marker?

..... You Can Make a Human Rights Complaint

Under the *Ontario Human Rights Code* and the *Canadian Human Rights Act*, everyone is protected against discrimination based on their gender, sexual orientation, race, age, disability or other personal characteristics. You are protected while receiving employment, accommodation, goods, government services and facilities, and membership in vocational associations and trade unions.

Discrimination can be direct, like deliberately refusing to use your identified name or pronoun, or it can be indirect. Indirect discrimination can occur when people and organizations do not consider the existence of the Two-Spirit/Nonbinary/Trans community, their needs or their experiences. For example, having forms that force a person to check a box stating they are “male” or “female” may not accommodate everyone’s lived gender identity. Another example is if you identify as X, but are being told that this is not an option for your government identification. This is wrong and you have the right to make a complaint.

Discrimination also includes harassment. Harassment means unwelcome behaviour that demeans (puts someone down), humiliates or embarrasses a person. Harassment involves actions (such as touching, pushing), comments (such as jokes, insults, name-calling) or displays (such as posters, cartoons).

Everyone has the right to define and express their own gender identity. This means that it is your legal right to change your gender marker and name through these legal processes and it is your right to be recognized by your lived identities.

If you feel that you are being treated differently in a negative or insulting way because of your gender identity or gender expression, while accessing government services including healthcare, or at work, in school, or related to your living accommodations, you have a right to make a formal complaint and to ask for a solution. This includes if you feel there has been discrimination in the process of applying for a gender marker or name change.

If you believe you have a complaint that falls under human rights law, you can make a formal complaint. You may try to raise your concern with a supervisor for the service and/or consider a legal option. There are Human Rights Tribunals for Ontario and for Canada (and for every other province and territory). If you file a formal complaint, there may be a chance to try to reach a settlement or you may go to a hearing. If your claim is successful, the Tribunal can order changes in policies, make sure you receive services in a nondiscriminatory way, and can give you monetary compensation.

In most cases, you must make a human rights complaint within one year of the last incident of discrimination. In rare cases, you may be able to make a complaint beyond one year. It is important to find out information as soon as you can if you are thinking of making a formal complaint.

..... **Where to Start?**

If you feel that you are being discriminated against but do not want to make a formal complaint, there are other ways you can try to address the situation.

You can ask to speak with a manager or supervisor at the service center you are attending. When speaking to them, you can assert your rights under human rights law. The information outlined in this booklet can help you prepare to know what services you are entitled to receive. No one is allowed to be discriminated against while receiving any government services. Some people feel more comfortable having a friend come to the office with them. This might make it easier for you to deal with a difficult situation.

You can also talk to a lawyer to help you figure out if you want to make a formal complaint.

..... **Human Rights Tribunal of Ontario**

In Ontario, you can make a complaint by filing an application directly with the Tribunal. You do not need a lawyer, but a lawyer can be very helpful. You can get information and may be able to get free legal help by contacting the Human Rights Legal Support Centre: www.hrlsc.on.ca/en/home

After you file an application, you may be able to get a settlement or you may go to a hearing at the Human Rights Tribunal of Ontario.

You can get more information here:

Ontario Human Rights Commission
www.ohrc.on.ca/en

Human Rights Tribunal of Ontario
www.sjto.gov.on.ca/hрто/

Ontario Women’s Justice Network article, “How do I make a claim under the Ontario Human Rights Code?”

<http://owjn.org/2015/07/how-do-i-make-a-claim-under-the-ontario-human-rights-code/>

..... **Canadian Human Rights Tribunal**

The Canadian Human Rights Act (“CHRA”) prevents discrimination based on gender identity and gender expression when at work or accessing a service related to or under the responsibility of the **federal** government. This means that if you feel that you are being treated differently in a negative or insulting way while interacting with any federally regulated office or organization, including Immigration, Refugees and Citizenship Canada or Passport Canada, you may be able to file a complaint with the Canadian Human Rights Commission.

If you believe you have a complaint under the **CHRA**, you can contact the Commission at 1-888-214-1090, where an officer will help determine if your complaint can be filed. If your complaint goes ahead, you may have help to get a settlement or you may go to a hearing at the Canadian Human Rights Tribunal. You do not need a lawyer to make a complaint, but it is always helpful to talk to a lawyer.

For more information about the Canadian Human Rights Tribunal, you can read the OWJN article:

“How do I make a claim under the Canadian Human Rights Act?”

<http://owjn.org/2015/07/how-do-i-make-a-claim-under-the-canadian-human-rights-act/>



Documents to Help You Get Started



Documents to Help You Get Started

..... Helpful Documents

- Application for Change of Sex Designation on a Birth Registration of an Adult
- Statutory Declaration for Change of Sex Designation on a Birth Registration of an Adult
- Letter of Support (signed by a doctor or psychologist in Canada)
- All previous birth certificates
- All previous passports
- Any proof of immigration status

..... Fees (as of June 2020)

The fees below are subject to change. Please check the government websites for the most up-to-date information.

- Changing Name: \$137
- Changing Gender Marker in Birth Registration: \$0 until April 2021. After April 2021, this changes to \$37
- Birth Certificate: \$25
- Certified Copy of Birth Registration: \$35
- Changing Gender Marker/Name on Ontario Photo Card: \$35
- Changing Gender Marker/Name on Passport: \$120-160

..... **General Resources**

The 519 Legal Clinic:

<https://www.the519.org/programs/legal-clinic>

416-392-6874

Human Rights Legal Support Centre:

<https://www.hrlsc.on.ca/en/home>

Tel: (416) 597-4900 / Toll Free: 1-866-625-5179

Trans Family Law Project

<https://lgbtqpn.ca/trans-parenting/>

Trans Health Knowledge Base

<https://transfaqs.rainbowhealthontario.ca/>

Sherbourne Health Centre - LGBTQ Health:

<https://sherbourne.on.ca/primary-family-health-care/lgbt-health/>

Trans Lifeline (Peer Support Line)

<https://www.translifeline.org/hotline>

1-877-330-6366

Making Gender and Name Changes on Identity Documents

A Legal Resource for Two-Spirit,
Nonbinary and Trans Communities

Please note the information in this
resource is accurate as of June 2020

For more information visit www.owjn.org



Department of Justice
Canada

Ministère de la Justice
Canada



The Law
Foundation
of Ontario



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Resource layout by azzaabbaro.com