



Media Release
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Advocate Releases Review of New Ministry of Education Policy on Use of Preferred Names and Pronouns by Students

SASKATOON – Today the Saskatchewan Advocate for Children and Youth, Dr. Lisa Broda, released her review of the Ministry of Education’s new policy entitled, *Use of Preferred First Name and Pronouns by Students*.

The Advocate’s review involved assessing the new policy against relevant laws, including *The Saskatchewan Human Rights Code, 2018*, the *Canadian Charter of Rights and Freedoms*, and the United Nations Convention on the Rights of the Child (UNCRC), to determine whether and how children’s rights are impacted.

“Gender identity is a prohibited ground of discrimination under provincial human rights legislation, and the education system has a duty to accommodate the needs of transgender and gender diverse students,” said Broda.

Provincial human rights laws and the *Charter of Rights and Freedoms* are the foundation of equal rights for all Canadians and reflect our collective Canadian values. They are a safeguard to protect the rights and freedoms of all individuals when laws and policies are created by governments,” said Broda.

The Advocate highlights that children have a fundamental right to parental support and guidance, but that a child’s other rights, such as the right to non-discrimination on the basis of gender identity and the freedom of expression, must not be hindered in that process.

“We agree with the government’s desire to place a high importance on the involvement of parents and guardians in education. However, this objective can be achieved without imposing such strict rules around consent, which could result in a violation of a young person’s rights under provincial, constitutional, and international human rights laws,” stated Broda.

The Advocate acknowledges that this policy permits youth over the age of 16 to provide their own consent to change their name or pronouns in school. While it is positive that this part of the policy will make it mandatory for schools across the province to respect the rights of these students, the Advocate has concluded that this age requirement is not justifiable, given it is not based on the demonstrated capacity of a student.

“Many young people under the age of 16 will have the capacity to make this type of decision. Giving them the chance to demonstrate capacity is an important step in accommodating their right to their gender identity,” said Broda.

The Advocate's review also found that the commitment to provide supports to students in having important conversations with their parents, when possible, is positive. However, this policy may put further pressure on existing school supports given that schools are already unable to meet the current needs of students related to social and mental health supports.

"In 2022, the Government of Saskatchewan accepted our recommendation to increase the presence of mental health supports in schools, however indicated that work would not begin on the implementation of this recommendation until 2026. It is unclear to our office how the education system will provide sufficient support in situations where a student is negatively affected by this policy," stated Broda.

The Advocate made two broad recommendations the first of which calls for amending the policy to recognize the right of all individuals to non-discrimination on the basis of gender identity and expression, to remove ambiguities around the scope of the policy, and to respect the preferred name and pronouns of students able to demonstrate the capacity to make personal decisions.

The Advocate also recommended the Ministry of Education develop and implement a concrete plan to increase the professional supports available in schools to facilitate parental inclusion when in the best interests of the child.

The Advocate has shared the findings and recommendations of this report with the Ministry of Education and has offered to assist with any reconsideration of the policy, to ensure children's rights are upheld to the extent possible while endeavouring to improve parental involvement.

The Advocate for Children and Youth is an independent office of the Legislative Assembly of Saskatchewan. She leads a team of professionals who work on behalf of the province's young people independent and apart from government. The office's vision is that the rights, well-being, and voices of children and youth are respected, valued, and supported to assist young people to reach their full potential.

- 30 -

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