

Advocate to Review New Ministry of Education Policy on Use of Preferred Names and Pronouns by Students

SASKATOON – The Saskatchewan Advocate for Children and Youth, Dr. Lisa Broda, will review the Ministry of Education’s new policy entitled, *Use of Preferred First Name and Pronouns by Students*, released today. According to its news release, the Minister of Education will now require all school divisions to acquire “parental consent when students under 16 years old wish to change their pronouns and/or preferred first name.”

“I just learned about this policy in the media and have not been privy or advised of these changes. I am deeply troubled by the impact this policy will have on the rights of children in Saskatchewan. Any new policy, legislation, law, or practice that may impact children and their rights compels me, under my legislative authority, to review and advise on such matters,” said Broda.

The Advocate will review this new policy against the backdrop of children’s rights under The United Nations Convention on the Rights of the Child (UNCRC), which was ratified by Canada in 1991. “As the Advocate, I must ensure the voices of young people are heard and that their rights are being upheld,” stated Broda. Other rights that are compatible with the UNCRC are *The Canadian Charter of Rights and Freedoms* and *The Saskatchewan Human Rights Code*, which guarantee the right to non-discrimination and gender identity, all which require public institutions to uphold.

“We are mindful that at times there may be a need to balance competing rights, but it is important to ensure that children’s rights are not undermined in the process,” stated Broda. The Advocate intends on reviewing this new direction to determine whether children’s rights have been properly considered and whether, for children under 16 years of age, there is opportunity for discretion.

The Advocate will also examine this policy given common law concepts such as the Supreme Court of Canada’s mature minor doctrine. Recognized legally since 2009, this doctrine holds that youth under 16 have the right to demonstrate whether they are able to exercise mature and independent judgment in making decisions; and if so, that their views ought to be respected. “If a mature minor can make significant decisions related to their medical care under the age of 16, it would stand to reason that they could make a determination as to whether they wish to be referred to by a different pronoun, without undue interference,” stated Broda.

Until now, the Ministry of Education has supported non-discrimination, inclusion, and accommodation of students of sexual and gender minorities within its guiding document on Gender and Sexual Diversity that encourages educators to honour a student’s preferred pronoun and name, and to respect their confidentiality whenever professionally appropriate. “We believe that the Ministry’s policy, prior to today, aligned with children’s rights and fostered school environments that were and felt safe to students,” stated Broda.

“There is no question that there are significant risks to the mental and physical safety of gender and sexually diverse youth who are not supported to express their authentic selves and their safety and well-being needs to be at the fore of any policy,” said Broda.

“This change in policy must be fully evaluated against all relevant children and youth rights. There may have to be a balancing of competing rights but ultimately, we will advocate for children and youth to feel safe and supported in their school environments and have a voice in matters that affect them, without fear of discrimination, intolerance, or retribution,” stated Broda.

The Ministry of Education is also reviewing its educational resources on sexual health education and the extent to which outside third-party organizations can be involved in such teaching. Until the Ministry concludes this review, the Advocate will not comment on this issue.

The Advocate will share findings of its examination with the Ministry of Education and further comments are forthcoming.

The Advocate for Children and Youth is an Officer 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.

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