

Bill #2
The Gender Delegalization Act
Moved by: Minister of Defence

WHEREAS the gender transition process is currently long, intensive, and costly;¹ and

WHEREAS Canada retains an 11.1% gender pay gap;² and

WHEREAS while laws exist across Canada regarding disclosing certain information to employers, they are often poorly enforced, especially where gender is concerned.³

HIS MAJESTY, by and with the advice and consent of the Youth Parliament of Manitoba, enacts as follows:

Purpose

1 The purpose of this Act is to

- (a) establish **EGG** with the mandate set out in section 4,
- (b) reduce the administrative burden of the gender transition process,
- (c) make all sectors of society more accessible for non-binary individuals,
- (d) reduce discrimination in the job hiring process, and
- (e) eliminate predatory and discriminatory pricing schemes.

Definitions

2 The following definitions apply in this Act.

- (a) **Medical government ID:** Any piece of government identification or paperwork that is directly related to the individual's biological healthcare needs. This includes health cards, organ donor cards, medical records and birth certificates.
- (b) **Gendered pricing scheme:** Any product or service that changes in price according to the gender of the customer.
- (c) **Gender research permit:** A licence allowing the holding organization to research and access the gender demographics of other organizations, but not the gender information of specific individuals or employees within that organization.

Establishing EGG

3 Equality of Genders Guarantors [**EGG**] is hereby established as a federal government agency.

¹ Province of Manitoba, "Change of Sex Designation," Manitoba Vital Statistics Branch, accessed December 1, 2022, https://vitalstats.gov.mb.ca/change_of_sex_designation.html.

² Government of Canada, "Pay Gap, 1998 to 2021," Statistics Canada, May 30, 2022, <https://www150.statcan.gc.ca/n1/pub/14-28-0001/2020001/article/00003-eng.htm>.

³ Sophia Lopez, "Gendered Language in Job Ads Runs Contrary to Human Rights Act," The Gauntlet (blog), August 7, 2019, <https://thegauntlet.ca/2019/08/07/gendered-language-in-job-ads-runs-contrary-to-human-rights-act/>.

Mandate and powers of EGG

- 4** The mandate of **EGG** is to
- (a) hear requests for, and accept or deny, the granting of gender research permits;
 - (b) oversee and ensure parties with a gender research permit are fulfilling their confidentiality requirements;
 - (c) investigate cases of avoidance pursuant to sections 9 and 13, and provide warnings and fines to violating parties; and
 - (d) investigate and enforce violations of any part of this Act.

Structure of EGG

- 5** **EGG** shall be composed of experts from across different fields, including
- (a) bias and sensitivity trainers and experts,
 - (b) marketing and advertising experts,
 - (c) licensed physicians,
 - (d) experts in consumer protection law,
 - (e) experts in employment law, and
 - (f) student representatives currently attending a Canadian educational institution.
- 6** Members of **EGG** shall be appointed on a five-year term.
- (a) Members of **EGG** shall work in committees that are assigned to each case or appeal, which shall have at least one of each individual outlined in section 5.
- 7** Members of **EGG** who have been appointed for two or more terms, who are in good standing with **EGG** and were not prematurely terminated from either term, may be appointed to the **EGG** Board of Appeals.
- (a) Should a body disagree with a decision made by members of **EGG**, they may make an appeal to the **EGG** Board of Appeals.
 - (b) The **EGG** Board of Appeals shall be composed in the same manner as a committee of **EGG**.

Identification

- 8** All newly distributed forms of government-regulated licensing, certification, degree, diploma or identification, as well as student identification, shall cease to include a section for the individual's gender.
- (a) This section does not apply to medical government IDs.
 - (b) Failure to comply by private institutions contracted by the government shall result in investigation from **EGG** and, if repeated noncompliance is identified by **EGG** over the course of one year, shall result in a termination of the contract.
 - (c) Failure by educational institutions to comply shall result in investigation from **EGG** and, if repeated noncompliance is identified by **EGG** over the course of three years, shall result in the termination of government funding to that educational institution.

Regulations for businesses operating in Canada

- 9** Any place of business operating in Canada may no longer apply differential pricing schemes for products and services on the basis of the customer's sex or gender.
- (a) This section does not apply to commercial pharmacies, dentists, optometrists, cosmetic surgeons, physiotherapists, health consultants, long-term care homes, or medical supply distributors.

- (b) Applicable businesses may not ask for proof of an individual's gender during the sign-up or purchasing process.
 - (c) Any customer who was charged for a product or service in violation of this section, after investigation by **EGG**, is entitled to a full reimbursement of their expenses by the offending business.
- 10** Any product being sold in Canada shall apply to **EGG** should they wish to use gender-specific language or marketing in their branding, packaging or advertising.
- (a) **EGG** shall follow the guidelines set out in section 11 to determine what language and marketing tactics are considered gendered.
 - (b) To receive approval for their application, the manufacturer or distributor shall prove a significant difference in the usage and composition of the product.
 - (c) Any customer who was charged for a product displayed or advertised with gender-specific language and/or marketing, without authorization by **EGG**, is entitled to a full reimbursement of the product's cost by the offending business.
- 11** The following guidelines are to be used by **EGG** in determining what marketing tactics or terms are to be considered gendered:
- (a) Terms that specifically use gendered pronouns, or specify a gender, are to be considered gendered;
 - (b) Terms that specify certain sex-specific organs are to be considered gendered;
 - (c) The use of any particular colour is not to be considered a gendered marketing decision; and
 - (d) A consistent pattern of displaying individuals presenting only as a single gender throughout marketing materials may be considered a gendered marketing decision.
- 12** Any place of business operating in Canada may not ask the gender of any of their applicants at any point in the application, interview, or intake process.
- (a) Businesses may contract an organization with a gender research permit to release information on gender demographics of employees of over 6 months.
 - (b) Businesses found to violate this section during the application process shall be fined 1 per cent of the annual salary for the position that was applied for and shall be asked to immediately change or remove the references to gender.

Regulations for higher education institutions operating in Canada

- 13** Any institution of higher education operating in Canada may not ask the gender of any of their prospective students at any point in the application and intake process.
- (a) Upon official acceptance of application, the institution may have access to the student's gender demographics.
 - (b) Failure by educational institutions to comply shall result in investigation from **EGG**, and, if repeated noncompliance is identified by **EGG** over the course of three terms, shall result in the termination of government funding to that educational institution.
 - (c) The conditions of this section may be waived in the process of application, distribution, and acceptance of scholarships, including those that specify gender.