

HEALTHCARE

Trans people in British Columbia have:

The right to be given the same **access** as the general public to services from a **healthcare provider**. In other words, we cannot be denied services from a healthcare provider on the basis that we are trans. If we are denied a service, we can file a human rights complaint.

If a healthcare provider is accepting new patients and refuses to see us as a patient because we are trans, this is discriminatory. If a healthcare provider is not accepting new patients and refuses to see us, this is not discriminatory.

If a medical procedure is exactly the same for trans people as it is for cisgender people (e.g. hysterectomies and orchiectomies are the same for trans people as for cisgender people), it's discriminatory for a healthcare provider to refuse to treat us on the basis that we are trans.

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A healthcare provider may say they do not have enough training to prescribe or monitor hormone therapy. They are legally allowed to refuse to provide a treatment they do not know enough about. If they are open to learning, you can refer them to the WPATH Standards of Care, the BC Trans Adult Endocrine Guidelines, and the RACE (Rapid Access to Consultative Expertise) Line at 604-696-2131 or 1-877-696-2131. If they are not open to learning, you can contact the Transgender Health Information Program (transhealth.vch.ca) to find out if there is another doctor near you who prescribes hormones to trans people and is accepting patients.

Some healthcare providers provide gender-affirming care, but do not follow the standards of care set by the World Professional Association for Transgender Health. For example, they may require you to have a letter from a psychiatrist or have a certain amount of 'lived experience' in your felt gender before they prescribe hormones. This is not illegal, but you can argue that it is against the ethics, standards, and guidelines of the healthcare provider's licensing body (such as their college or professional association), and file a complaint against the healthcare provider with that organization.

The right to be given the same **opportunities** as the general public to participate in healthcare **programs** and to be admitted to healthcare **facilities**. In other words, we cannot be denied participation in a program or denied admittance to a healthcare facility on the basis that we are trans.

If a facility is operated by a religious organization, the facility may not have to offer services that go against the Church's teachings. For example, a hospital operated by a Catholic organization may not be legally required to offer gender-affirming surgeries. Talk to a lawyer.

The right to **wait times** that are no longer than the wait times cisgender people experience for a medically comparable procedure.

For example, it would be discriminatory for trans people to have to wait longer than

cisgender people for a hysterectomy or orchiectomy just because we are trans. (Note that in some cases trans people will wait longer than cisgender people for a medically justifiable reason. For example, a person with cancer can justifiably get a hysterectomy or orchiectomy faster than a trans person).

Although the wait times for phalloplasty and vaginoplasty tend to be lengthy, it is very difficult to make a legal case that the wait times for these procedures are discriminatory. To make this case, we must be able to compare the wait times trans people face to the wait times cisgender people face for the same procedure. Since cisgender people do not tend to undergo procedures like vaginoplasty or phalloplasty, it is unlikely that these wait times would be seen by a court or tribunal as discriminatory. This does not mean we cannot lobby for improved wait times, it just means we will likely have more success with non-legal approaches.

The same right to an abortion as cisgender women. At this time, there are no laws that prevent abortion in Canada.

The right to access healthcare without being subject to **discrimination, harassment, or violence**.

Discrimination against someone in the delivery of medical care means to deny them a service or facility which is available to other people because of a personal characteristic such as gender identity, religion, race, etc. In a medical setting, discrimination could include a refusal to acknowledge a person's gender identity, or the name and pronouns that we use. Discrimination could also include asking invasive questions about our gender status, unless the questions are related to the medical treatment we might need.

Harassment usually means repeated and unwanted physical or other behaviour (for example, name calling) that is intended to offend or humiliate someone because of a personal characteristic, such as gender identity, religion, or race. In hospital, it could include being called names by other patients and having nothing done about it.

In the context of medical care, any unwanted touching is an **assault**. That means that medical care providers have to get your consent before they give you a needle, examine you physically, or touch you in any other way.

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The right to have the same health plan **coverage** (through the Medical Services Plan or private health insurance) as cisgender people have for the same procedures.

It is not considered legally discriminatory for the Government of British Columbia or a private health insurance company to fail to provide coverage for a treatment for trans people if a comparative treatment is not available to cisgender people (i.e. facial feminization surgery is not covered for cisgender people, so the lack of coverage for trans people would not likely be considered discriminatory). This does not mean we cannot lobby for coverage for these treatments. It just means we will likely have more success with non-legal approaches.

If a procedure is covered for cisgender people and a comparable procedure is not covered for trans people, this may be discriminatory (i.e. if chest surgery was covered for men with gynecomastia - excess breast tissue in men - but not for trans men or non-binary people, this would be discriminatory).

How can you stand up for your rights?

Despite having rights, trans people often experience healthcare-related discrimination. Standing up for our rights can be difficult. However, it can make a big difference in our lives and the lives of other trans people.

Your options for standing up for your rights depend on your specific situation. For detailed information about how to stand up for your rights in a range of specific healthcare situations, please see transrightsbc.ca. Generally speaking, you may be able to:

Talk to the healthcare provider about the problem and how you would like to see it resolved.

Talk to the healthcare provider about the problem and how you would like to see it resolved. You may wish to bring a support person or have a friend or advocate speak on your behalf.

Attempt to solve the problem by talking to the healthcare provider's supervisor or clinic manager.

File a human rights complaint against the healthcare provider and/or the organization they work for. To do this, you must be able to prove that the discrimination you faced was related to your trans status.

File a complaint against the healthcare provider with their professional licensing body.

File a complaint against the healthcare provider with the Patient Quality Care Office of your health authority (only if they work for a health authority).

Sue the healthcare provider in civil court for damages, like physical or mental injury, if they harassed or assaulted you.

Report the healthcare provider to the police if they harassed or assaulted you.

Try to find another healthcare provider willing to accept you as a patient. It can be difficult to find a healthcare provider who is trans-friendly and knowledgeable about trans health. Contact the Transgender Health Information Program (<http://transhealth.vch.ca>) for the names of doctors in your area who are known to provide health care to trans people.

Advocate for training for healthcare providers about how to meet the needs of trans people.

For information on organizations and resources that can help you stand up for your rights, please visit transrightsbc.ca

The Catherine White Holman Wellness Centre and the VCH Transgender Health Information Program produced this document as general legal information. It was reviewed by The Law Office of Barbara Findlay, QC and is current as of July 2015. It is not legal advice, as each situation is unique.