



CMRC Position Statement on the Use of Gender Inclusive Language

Gender identity is now understood as going beyond the traditional expression of male or female. Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. It includes but is not limited to people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer. Discrimination happens when a person experiences negative treatment or impact, intentional or not, because of their gender identity or gender expression.¹

There are compelling reasons for developing and using gender-inclusive language. For example, the Canadian Association of Midwives (CAM) statement relies on its roots in the feminist movement and its commitment to human rights and social justice.² Other defenders of gender-inclusivity argue that midwives must respect the autonomy and self-determination of any person who gives birth and who does not identify as female or as a woman.³ The CMRC supports all efforts aimed at providing an inclusive and more welcoming midwifery practice.

As a council of midwifery regulators we rely on Canada's human rights law to encourage our members to respect the dignity and unique worth of all people as we regulate those that provide midwifery care. Canada's *Constitution* guarantees equality to all persons living in Canada. Canada's *Constitution* is the supreme law of Canada and is the standard that all federal/provincial/ territorial laws must meet.

In addition, every provincial/territorial government in Canada and the federal government has human rights legislation. This legislation prohibits discrimination on grounds such as race, sex, disability and sexual orientation in areas such as housing, employment and the delivery of services. Note: Some jurisdictions explicitly prohibit discrimination on the ground of gender identity. Where gender identity is not explicitly listed, other grounds such as sex are interpreted to include this ground.⁴ In all jurisdictions, human rights legislation has primacy over all other laws.

The CMRC recognizes that some jurisdictions specifically use the term "women" when referring to clients of midwifery care. However, given the primacy of human rights legislation over all other laws in Canada, it is legally acceptable for such jurisdictions to use language in its documentation and conduct that expands their client base to include those clients who prefer and/or choose terms, other than "women", to describe their identity.

Each midwifery regulator is bound by both Canada's *Constitution* and the respective human rights legislation of their jurisdiction. The CMRC supports and respects the human rights of all people and therefore encourages the use of gender-inclusive language in all forms of communication.

April 2016

¹ "Gender Identity and Gender Expression" - Ontario Human Rights Commission - www.ohrc.on.ca/en/gender-identity-and-gender-expression-brochure

² <http://www.canadianmidwives.org/87-news/September-25-2015-Trans-Inclusivity-Human-Rights-A-Statement-from-CAM-ACSF.html>

³ "Response to the Open Letter to MANA - Birth for Every Body" - <http://www.birthforeverybody.org/response-to-open-letter/>

⁴ *Forrester v. Peel (Regional Municipality) Police Services Board et al*, 2006 HRTO 13 (CanLII) - <http://www.canlii.org/en/on/onhrt/doc/2006/2006hrto13/2006hrto13.html>

CMRC
NATIONAL OFFICE

230-500 Portage Ave
Winnipeg, MB R3C 3X1

info@cmrc-ccosf.ca
www.cmrc-ccosf.ca