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June 8, 2023

Honourable Blaine Higgs
Premier of New Brunswick
Via email: premier@gnb.ca

Honourable Bill Hogan
Minister of Education and Early Childhood Development
Via email: bill.hogan@gnb.ca

Minister Hogan and Premier Higgs,

Response to the changes to Policy 713

New Brunswickers have come to know Policy 713 in the past month, and I have heard myself from hundreds of Unifor members who are fearful of your government's attempt to water down this life-saving policy and drum up anti-trans sentiment through damaging public statements over the past several weeks.

I heard many of these fears in person on June 2-3 as we held our Atlantic Regional Council in Moncton. Parents of trans and non-binary kids were brought to tears over concerns for their child's safety and the message the watering down of Policy 713 sends to everyone about the safety of queer and trans people in this province.

Good public policy protects members of our communities and people who rely on public services, including children and workers. Good public policy is often born of true public consultations, not by announcing intentions then cherry-picking changes behind closed doors.

You mentioned "consultations" several times in your comments on June 8, 2023, but neither our union nor our collection of ally organizations and partners heard of a process where the government was consulting on this policy. Rather, it seems you hand-picked some concerns and did not attempt to hold proper consultations with subject matter experts and professionals in the field.

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Your haphazard and selective review of Policy 713 shows a disregard for the solemn responsibility of the public trust you are elected to uphold and in fact increases uncertainty about students' rights and workers' responsibilities.

I am writing today to respond to the alleged new policy - though it seems several additional amendments, identified in the media conference and in Question Period as "mistakes", are still to be made to the text itself.

In questions on June 8, Minister Hogan was asked in French if teachers would be using students' new pronouns in the classroom if they did not have parental consent, and he clearly answered "no". In answer to a series of questions about forcing teachers to deadname students and use inappropriate pronouns, you stood by this response and invited the public to show you legal precedent that required the use of accurate, preferred, pronouns.

Gender identity and gender expression are protected grounds under the Canadian Charter of Rights and Freedoms which protects all residents of Canada, including children.

Unifor also will defend teachers who choose to continue to respect students' chosen name and gender identity – because it is not stipulated in the policy what happens if a teacher decides to respect the students' wishes and address them properly from the front of the room. In the classroom, teachers have an obligation to protect students' dignity, liberty and integrity, and act to protect students' safety under the province's [Code of Professional Conduct](#).¹

Misgendering a student has been ruled in other jurisdictions as professional misconduct (breach of the ethical standard of care), [such as in this case from Ontario](#).²

Many trans youth [report discrimination, bullying, and violence](#)³ as a result of their gender identity, and those who experience these are more likely to report mental health difficulties.

Bullying and harassment from the front of the room cannot produce a supportive learning environment, and teachers who choose to respect students' rights must be protected by their employer.

If there is a difficulty in keeping a preferred name or pronoun separate from official records, perhaps the solution is to provide better administrative tools and training for teachers and not thrust the burden of this inefficiency onto vulnerable children.

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¹ <https://www.nbta.ca/professional-conduct-and-standards>

² <https://www.canlii.org/en/on/onocot/doc/2022/2022onocot33/2022onocot33.html>

³ <https://campusmentalhealth.ca/wp-content/uploads/2022/12/1-s2.0-S1054139X16303585-main.pdf>

Representing more than 7,500 members in New Brunswick, many of whom are parents, and are 2SLGBTQIA people, we urge you to continue to direct teachers to use students' chosen names and pronouns in the classroom.

We urge you to return the option of informal pronoun and name choice to Policy 713, as was the intent of the expert-supported policy. And if there are future, formal consultations on strengthening this policy, we would be delighted to participate.

Many Unifor members, like members of your own caucus, oppose the changes announced today and I know that workers will vote with this in mind in the next election.

In support of my queer and trans friends,



Jennifer Murray
Unifor Atlantic Regional Director

CC: All NB Progressive Conservative MLAs / Susan Holt, New Brunswick Liberal Party Leader / David Coon, New Brunswick Green Party Leader / Alex White, New Brunswick NDP Leader

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JM/lvcope343