

Statement from Egale regarding interlocutory injunction against the Saskatchewan government's "Use of Preferred First Name and Pronouns by Students" policy

September 28, 2023

Today, the Court of King's Bench for Saskatchewan granted an interlocutory injunction, blocking the implementation and enforcement of the Saskatchewan government's "Use of Preferred First Name and Pronouns by Students" policy (the "policy").

The application was sought by UR Pride Centre for Sexuality and Gender Diversity, which is challenging the constitutionality of the policy in the Saskatchewan court. UR Pride is represented by Bennett Jensen, Director of Legal at Egale Canada, and a team from McCarthy Tétrault LLP led by Adam Goldenberg.

In granting today's injunction, the court concluded that:

- "On the whole of the evidence, ... those individuals affected by this Policy, youth under the age of 16 who are unable to have their name, pronouns, gender diversity, or gender identity, observed in the school will suffer irreparable harm."
- "The public interest in recognizing the importance of the governmental Policy is outweighed by the public interest of not exposing that minority of students to exposure to the potentially irreparable harm and mental health difficulty of being unable to find expression for their gender identity."


The suspension of this policy protects the dignity, equality and safety of gender-diverse students while the court considers whether the policy violates the *Canadian Charter of Rights and Freedoms*.

A court has now found, on the basis of evidence, that this policy causes irreparable harm to gender diverse children. For a government to invoke the notwithstanding clause to inflict irreparable harm on children is unconscionable.

Quotes:

"Today's decision ensures increased safety for gender diverse youth in Saskatchewan schools. The reality is that some 2SLGBTQI youth might not be safe to be themselves at home — making it even more crucial to ensure that school environments are safe and inclusive places." — Ariana Giroux (she, her), Executive Director of UR Pride

"It is frankly shocking that, in the face of the court's ruling that this policy will inflict irreparable harm on children, the Government of Saskatchewan intends to invoke the notwithstanding clause to impose it anyway." — Adam Goldenberg (he, him), lead counsel for UR Pride and a partner at McCarthy Tétrault LLP



“We urge the Government of Saskatchewan to do what it failed to do prior to announcing this harmful policy in the first place: consult with education stakeholders, experts, parents, teachers, school divisions, and students. Together, we can ensure that parents’ roles are fully respected without putting the most vulnerable young people in harm’s way.” — Bennett Jensen (he, him), co-counsel for UR Pride and Director of Legal at Egale

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