

KNOW YOUR RIGHTS

around Canada's conversion therapy laws

“Knowing your rights” can be complicated. We all have the right to be safe in how we express our identities. However, sometimes our rights are not respected or protected. Knowing our rights is important but not always enough. That's why it's also important to keep in mind that we have the right to advocate for ourselves and each other and to fight for change. 2SLGBTQ+ community activists were doing just that when they fought for a federal ban on conversion therapy, and that work continues after the ban as well.

That being said, you might be wondering what Canada's law banning conversion therapy means for you. Maybe you have experienced conversion therapy and want to know what your recourse is. Maybe you're not sure if what you experienced was conversion therapy. Maybe your family or community wants you to undergo conversion therapy. Maybe you want to support a friend. Maybe you're seeking mental health services, or gender-affirming care, or faith-based resources, and you want to know what red flags to look for. Here are some facts about your rights. (Please note, however, that we are not lawyers and are not providing legal advice).



No Conversion Canada

HOW DOES THE LAW DEFINE CONVERSION THERAPY?

The Canadian Criminal Code describes conversion therapy as

“a practice, treatment or service designed to:

- a. change a person’s sexual orientation to heterosexual;*
- b. change a person’s gender identity to cisgender;*
- c. change a person’s gender expression so that it conforms to the sex assigned to the person at birth;*
- d. repress or reduce non-heterosexual attraction or sexual behaviour;*
- e. repress a person’s non-cisgender gender identity; or*
- f. repress or reduce a person’s gender expression that does not conform to the sex assigned to the person at birth.”*

In other words, the law defines conversion therapy as practices which try to change someone’s 2SLGBTQ+ identity, expression, or behaviour to conform to heterosexual and/or cisgender norms.

Note: we have chosen to refer to these practices as “conversion therapy” because this is a term people are likely to recognize and because this is the term used in Canadian law. However, we want to emphasize that “therapy” is an inaccurate and potentially misleading descriptor. These practices are harmful pseudoscience with no genuine therapeutic value. Because of this, some organizations and individuals choose to use alternate language such as “conversion practices” or “sexual orientation and gender identity and expression change efforts” (SOGIECEs) to refer to conversion therapy. In your own life, we encourage you to use whatever language makes the most sense for you and your communities.

WHAT KINDS OF PRACTICES FALL OUTSIDE THIS DEFINITION?

The law makes it clear that conversion therapy refers specifically to practices which aim to change or suppress 2SLGBTQ+ identities and/or behaviours. This does not include therapeutic practices which aim to allow people to explore their gender and/or sexuality in a nonjudgmental way. It also does not include gender-affirming care.

WHAT ABOUT CONVERSION THERAPY PROVIDED FOR FREE?

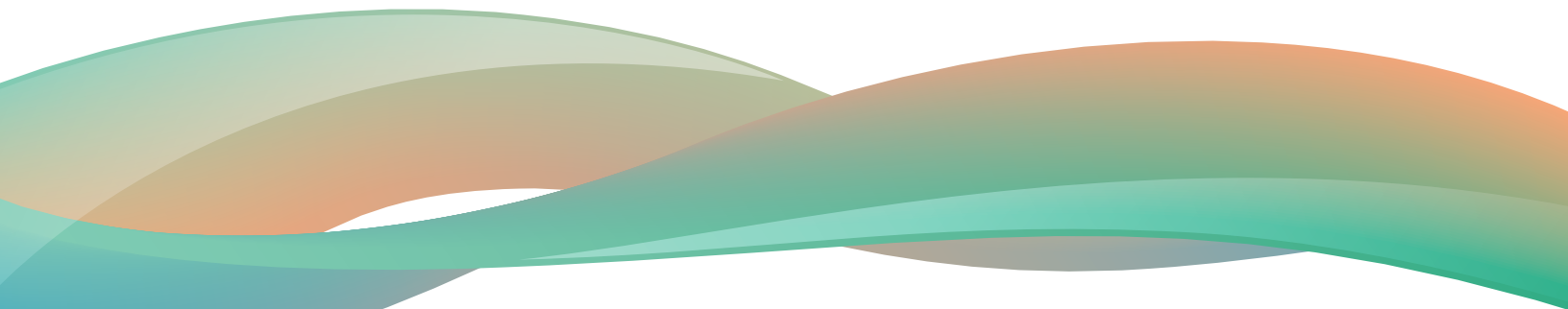
Even if no money changes hands or everyone involved is a volunteer, any practice which fits the above definition is considered conversion therapy.

WHAT ARE THE CONSEQUENCES FOR SOMEONE WHO OFFERS CONVERSION THERAPY?

There are four offenses related to conversion therapy in the Criminal Code. These are:

- “1. Causing another person to undergo conversion therapy, including by providing it;*
- 2. Doing anything for the purpose of removing a child from Canada with the intention that the child undergo conversion therapy* outside Canada;*
- 3. Promoting or advertising conversion therapy*;* and
- 4. Receiving a financial or other material benefit from the provision of conversion therapy.”*

All of these are “hybrid offenses.” That means that they can either be tried as a “summary offense” or an “indictable offense.” A summary offense usually results in a fine but can result in prison time. An indictable offense results in prison time. That prison time can vary. For the first two offenses on this list, prison time can be up to five years. For the second two offenses, prison time can be up to two years.



WHAT CAN YOU DO IF YOU HAVE EXPERIENCED CONVERSION THERAPY?

It's up to you what you want to do if you have experienced conversion therapy. You are in control of your response and no one else can tell you what you "should" do. Here are some things you might want to consider—as options, not obligations.

1

Take care of yourself.

Healing takes time, and self-care is important and radical work. For more on taking care of yourself after conversion therapy, see our Self Care and Peer Support resource.

2

Take action.

You might want to get involved with advocacy groups or find ways to support fellow survivors. The Community Based Research Centre has some resources for survivor-centred connection and advocacy

3

Share your story.

You might want to share your story to raise awareness. You also might want to report your experience to an ombuds office, legal aid clinic, or regulatory body—the details of this will depend on when, where, and how you experienced conversion therapy. Be aware that sharing your story publically can open you up to risks such as online harassment or accusations of libel. A lawyer can advise you on your legal protections if you choose to go public with your story.

THINGS TO CONSIDER REGARDING WHAT CAN HAPPEN IF YOU CHOOSE TO REPORT

As the last sections have pointed out, there are multiple considerations around reporting conversion practices. Knowing the law is one step. However, there are other factors throughout the reporting process that make it crucial to check in with yourself. This is a new law, so its implementation is still being determined. However, processes for reporting violations to the law and to professional codes of conduct are not new. There is no universal approach to reporting conversion therapy, as there are differences among provincial legislations, agencies and organizations. But each place should have a process in place. Before choosing to begin a reporting process, there are certain aspects you may want to examine in order to make an informed choice. In this section we will identify some key reflection points to consider before (or if) you start the reporting process.

1

The process of reporting may vary from organization and province:

Each organization, provincial legislation, and agency will have its own process and procedure around reporting. If you go through a reporting process in British Columbia, it may look very different in Ontario; however, you are within your right to inquire what the process will look like. We have provided a resource list at the end of this document (organized by province) of places you can reach out to for more information on how you can report and what to expect.

2

Your story becomes the evidence:

When you choose to report, your experience will become the evidence. Depending on the process you may have to re-tell your story multiple times and may have people ask you personal questions regarding your story (which may feel intrusive). It is important to understand that this will happen, and it would be good to work with your support systems to develop strategies for yourself to navigate this process.

3

You may not be able to retract your complaint:

Depending on the organization/legislation/agencies reporting process, you may not be able to retract or stop the report claim once it has started. Before you start the process, it is imperative to inquire about how the process plays out and what rights you have through it.

4

What if you are reporting on behalf of a survivor?

If you are in a circumstance where you are reporting for a survivor, there are some critical questions to reflect on. Are you advocating for the survivor based on their needs? Have you talked to the survivor about what they would like to do? Have you considered the costs both financially and emotionally that may impact the survivor? How much support are you able to provide throughout the process? Have you made that clear to the survivor? These are questions that you should be asking yourself before you decide to report on behalf of someone. Although we may be in positions where we want to help someone, the key part of that is that we are honouring what the survivor wants, regardless of how we may think. In some circumstances involving people under 16, a “duty to report” may apply. We encourage you to reach out to appropriate services for more details/guidance. Please refer to the resources listed below.

5

What if you want to raise general concerns?

You might be in a situation where you have witnessed conversion practices at an institution (eg a hospital or a church), in therapeutic practices, or your place of employment. For certain practices, such as therapy or social work, there are regulatory bodies to make complaints to. For places where you work, it would be good to do research into whistleblowing laws within your region. For institutional reporting, it can vary by institution, so there can be several approaches to explore. You can research their governing practices and reporting processes, and/or you can look into local and national support groups/organizations to discuss what to do. The key point to keep in mind is that each place may be different, and as this law is new some places may not have policies on how to address conversion therapy law violations, so the research into what to do may be a little more frustrating than anticipated.

6

Do your research:

As mentioned we have a resource list of various provincial agencies that you can reach out to receive more information about the process. Some questions that you can ask them: What is your reporting process? What are the steps that I have to take to report? What supporting documents (if any) do I have to provide? Am I able to retract my complaint? Do you have any victim services to support me through this process? What will happen to my information if you choose not to pursue my complaint? What are my steps if I want to report on an organization? This is by no means an extensive list of questions. We would encourage you to come up with a list of questions you want answered before you decide on if you want to report, so that you can make an informed decision.

7

Ask yourself these questions:

What do I want from this reporting process?

What will I do if I do not get what I want?

After you have gotten all your information regarding the reporting process to where you feel you can make an informed choice, it is important to do some reflection. Asking yourself these questions can be helpful to identify what supports or strategies you may need throughout and after the reporting process. We encourage you to seek out the support that you are comfortable with whether that be personal or professional. This process might be emotional and long, so leaning into your support system is key. Remember to be kind to yourself.

CONCLUSION

Canadian law around conversion therapy is very new, which means there are some open questions for how it will look like in our day-to-day lives. We do not know everything about how it will be enforced or what could happen if conversion therapy-related cases end up in court, and how that will influence the law moving forward. The above questions and answers are based on our best understanding of the situation—and again, we are not lawyers and are not offering legal advice.

We've focused on legal questions here, but we all know that the law is not the only way to make sense of our experiences and our reality. We recognize that this is a new law (as of 2023), so the implementation of this law is still in its beginning phase. As such, some organizations may not have policies/protocols in place or maybe in the process of developing them, so we recognize that when you are looking for support resources this may be challenging. However, we want to emphasize that the most important thing for all of us to keep in mind is that we all deserve to be safe, to be cared for, and to be ourselves.

APPENDIX: REPORTING RESOURCES

From [No Conversion Canada Legislation Map](#).

NATIONAL

- [Legal Aid Resources by Province](#)

ALBERTA

- No provincial legislation/policy
 - [Municipal bylaw](#) - Edmonton
 - [Municipal bylaw](#) - St. Albert
 - [Municipal bylaw](#) & [Opposition to CT governance policy](#) - Strathcona County
 - [Municipal policy](#) & [bylaw](#) - Beaumont
 - [Municipal bylaw](#) - Spruce Grove
 - [Municipal bylaw](#) - Rocky Mountain House
 - [Municipal bylaw](#) - Calgary
 - [Municipal bylaw](#) - Lethbridge
 - [Municipal bylaw](#) - Strathmore
 - [Municipal bylaw](#) - Fort McMurray
 - [College of physicians and surgeons complaint](#)
 - [College of social workers complaint](#)
 - [Alberta teachers' association complaint](#)
 - [College of registered nurses complaint](#)
 - [College of Alberta Psychologists complaint](#)
 - [Association of Counselling Therapy of Alberta contact](#)
 - [Law society of Alberta complaints](#)
 - [Contact Alberta ombudsperson](#)
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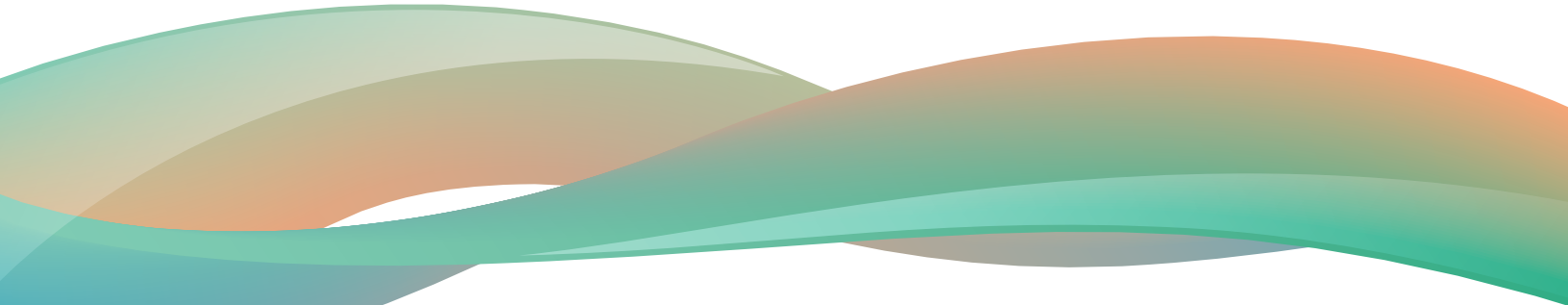
BRITISH COLUMBIA

- No provincial legislation/policy
- [Municipal bylaw - Vancouver](#)
- [College of physicians and surgeons complaint](#)
- [BC college of nurses and midwives complaint](#)
- [Law society of BC complaints](#)
- [BC College of occupational therapists complaint](#)
- [Teacher disciplinary process for BC](#)
- [BC psychologists' association complaint](#)
- [BC college of social workers complaint](#)
- [BC ombudsperson contact](#)

MANITOBA

- [Provincial Legislation](#)
- [Manitoba College of Social Work complaint](#)
- [Manitoba College of Physicians complaint](#)
- [College of registered nurses complaint](#)
- [College of occupational therapists complaint](#)
- [Psychological association of Manitoba complaint](#)
- [Manitoba teachers' society complaint](#)
- [Law society of Manitoba complaint](#)
- [Manitoba childcare association contact](#)
- [Manitoba ombudsman](#)

NEW BRUNSWICK

- No provincial legislation/policy or municipal bylaw
 - [NB college of physicians and surgeons complaints](#)
 - [NB association of social workers complaints](#)
 - [NB patient concern contacts](#)
 - [NB ombudsperson complaint process](#)
 - [NB Association of nurses complaints](#)
 - [NB association of licensed practical nurses complaints](#)
 - [NB college of psychologists complaints](#)
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NEWFOUNDLAND & LABRADOR

- No provincial legislation/policy or municipal bylaw
- [NL college of social workers complaints](#)
- [NL college of surgeons and physicians complaints](#)
- [NL college of nurses complaint](#)
- [Contact the Office of the Child and Youth Advocate Newfoundland and Labrador](#)
- [Report to the Child Protection and In-Care Division of NL provincial government](#)
- [Health and community services resource directory](#)

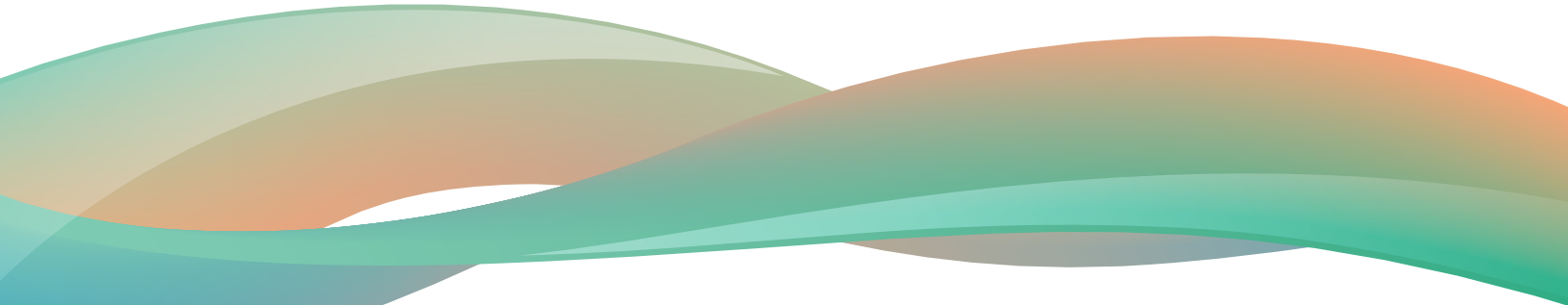
NORTHWEST TERRITORIES

- No provincial legislation/policy or municipal bylaw
- [NWT health care service complaints](#)
- [NWT and Nunavut registered nurses association complaints](#)
- [NWT Human Rights Commission Complaint process](#)
- [NWT regional offices complaint contact](#)
- [NWT ombudsperson complaint process](#)

NOVA SCOTIA

- [Provincial legislation](#)
- [College of physicians and surgeons of NS complaint](#)
- [NS college of nursing complaints](#)
- [NS college of social workers complaints](#)
- [NS barrister's society complaints](#)
- [NS ombudsman complaints](#)

NUNAVUT

- No provincial legislation/policy or municipal bylaw
 - [NWT and Nunavut registered nurses association complaints](#)
 - [Law society of Nunavut complaints](#)
 - [City of Iqaluit complaints](#)
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ONTARIO

- [Provincial Legislation](#)
- [Municipal policy - Kitchener](#)
- [Ontario College of Social Workers and Social Service Workers Complaint](#)
- [College of Occupational Therapists of Ontario complaint](#)
- [College of Psychologists of Ontario complaint](#)
- [College of Registered Psychotherapists of Ontario complaint](#)
- [College of Physicians and Surgeons of Ontario complaint](#)
- [College of Nurses of Ontario complaint](#)
- [Ontario College of Teachers complaint](#)
- [Law Society of Ontario complaint](#)
- [Ontario Ombudsman](#)

PRINCE EDWARD ISLAND

- [Provincial Legislation](#)
- [College of physicians and surgeons of PEI complaint](#)
- [PEI social work registration board complaint](#)
- [College of counselling therapy PEI complaints](#)
- [College of allied health professionals of PEI complaints](#)
- [College of registered nurses of PEI complaints](#)
- [PEI law society complaints](#)
- [Complaints to the Student Wellbeing Program of PEI](#)
- [PEI ombudsperson contact](#)

QUEBEC

- [Provincial Legislation](#)
- [QC law society complaint](#)
- [Health and social services of Quebec complaint process](#)
- [Quebec ombudsperson complaint](#)

SASKATCHEWAN

- No provincial legislation/policy
- [Municipal bylaw](#) - Fort Saskatchewan
- [Municipal bylaw](#) - Saskatoon
- [Municipal bylaw](#) - Regina
- [Saskatchewan Association of Social Workers complaint](#)
- [Saskatchewan college of physicians and surgeons complaint](#)
- [Saskatchewan college of psychologists complaint](#)
- [Saskatchewan teachers' federation complaint](#)
- [College of registered nurses saskatchewan complaint](#)
- [Law society of Saskatchewan complaint](#)
- [Saskatchewan association of licensed practical nurses complaint](#)
- [Saskatchewan society of occupational therapists complaint](#)
- [Registered psychiatric nurses association of Saskatchewan complaint](#)
- [Saskatchewan ombudsman](#)

YUKON

- [Provincial Legislation](#)
- [Government-regulated health service complaint](#)
- [Yukon ombudsperson complaints](#)
- [Yukon patient concern contacts](#)
- [Yukon medical council complaints](#)