

Trans Ontarians' Sex Designations on Federal and Provincial Identity Documents

A report prepared for the Canadian Human Rights Commission



Building our communities through research

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Purpose of Report

The objective of this report is to provide requested information on social gender transition and the status of sex designations on government-issued identity documents for trans (transgender, transsexual and transitioned) people, using data from the Trans PULSE Project. Social transition is the process of changing the gender in which one lives their day-to-day life to better reflect one's internal gender identity. It may or may not occur concurrently with medical transition involving hormones or surgeries. As part of the social transition process, individuals may change their dress and appearance, and ask others to use a different pronoun, or call them by a new name. In addition, if requirements can be met, processes may be followed to legally change a name, and to change the sex designations ("male" or "female") on student, employment and professional records, commercial records, insurance policies, and government-issued identity documents. Identity documents are the focus of this report, including federal, provincial and other documents, as requirements for change of sex designation vary by issuing agency.

Trans PULSE Project

Data used in this report were collected during the survey phase of the Trans PULSE Project. Trans PULSE is a Canadian Institutes of Health Research (CIHR)-funded, mixed-methods, community-based study to describe the health experiences and challenges of trans people in Ontario, and to identify strategies for improving health. The Trans PULSE team is a partnership between researchers, community members, and organizations committed to improving the health of trans people.

Data and Analysis Methods

Data were collected in 2009-2010 from Ontario trans people age 16 and over, using a multi-mode survey. To be eligible, individuals had to indicate that they were "trans", but were not limited to particular identities or social or medical transition statuses. A total of 433 participants were recruited using respondent-driven sampling (RDS),¹ a tracked chain-referral method designed for collection and analysis of data from hidden populations, those that cannot be randomly sampled. Participants could each recruit up to three additional participants using tracked coupons. Recruitment patterns and individual network sizes were used to weight statistics based on probability of recruitment. Methods are described in greater detail elsewhere.² Unless otherwise noted, statistics presented in this report are thus population estimates for networked trans people in Ontario (i.e. those who know at least one other trans person). Statistical analyses were conducted

Table 1. Gender and Social Transition among Trans Ontarians

| | All Trans People ^a n=433 | | FTM Spectrum ^b n=227 | | MTF Spectrum ^b n=205 | |
|---|--|---------------------|------------------------------------|---------------------|------------------------------------|---------------------|
| | % | 95% CI ^c | % | 95% CI ^c | % | 95% CI ^c |
| Gender identity | | | | | | |
| Primarily male/female identity | 80.2 | (71.7, 86.0) | 86.2 | (74.4, 93.1) | 72.9 | (61.8, 83.8) |
| Primarily fluid or third gender identity | 19.8 | (14.0, 28.3) | 13.8 | (6.9, 25.6) | 27.1 | (16.2, 38.2) |
| Living in felt gender | | | | | | |
| Full-time | 47.9 | (40.7, 56.9) | 49.3 | (37.6, 61.0) | 46.2 | (36.9, 58.8) |
| Part-time | 30.0 | (21.8, 36.1) | 35.0 | (24.3, 46.8) | 23.7 | (13.1, 29.6) |
| Not at all | 22.2 | (15.5, 29.9) | 15.7 | (7.0, 25.3) | 30.1 | (21.0, 42.1) |
| Socially transitioned to living full-time in male/female gender | 43.8 | (35.3, 51.7) | 46.8 | (33.5, 56.8) | 41.2 | (30.6, 52.7) |
| Changed name or pronoun in daily life | 69.1 | (62.3, 77.5) | 77.4 | (65.5, 87.1) | 59.5 | (50.0, 72.9) |
| Legally changed name to reflect gender | 34.0 | (26.6, 41.5) | 34.9 | (24.5, 45.8) | 32.6 | (22.5, 43.5) |
| Want to legally change name, if have not | 60.4 | (37.3, 72.2) | 57.5 | (23.2, 74.8) | 57.6 | (37.7, 83.4) |

a Trans was defined broadly to include transgender, transsexual and transitioned persons

b FTM = female-to-male or transmasculine spectrum; MTF = male-to-female or transfeminine spectrum

c CI = confidence interval

using RDSAT 6.0.1,³ with 95% confidence intervals calculated using a modified bootstrapping method, with 10,000 resamples based on recruitment chains.⁴ Confidence intervals may be interpreted as a range of plausible population estimates consistent with the data.

Social Transition

Findings on social transition are displayed in Table 1. An estimated 47.9% of trans persons lived in their felt gender full-time, and another 30.0% did so part-time. Most, but not all identified as men or women; others identified with a non-binary or other gender fluid identity. While 69.1% of trans Ontarians used a name or pronoun in their daily life that differed from their birth name or gender, only 34.0% had legally changed their names. Of those who had not, 60.4% wished to do so.

Those on the female-to-male (FTM) and male-to-female (MTF) spectra were similar with regard to social transition with one exception: among those not living full-time in their felt gender, FTMs were more likely to have socially transitioned part-time, and MTFs not at all.

Name Change and Identity Documents among Socially Transitioned Trans Women and Men

Data were not available on whether study participants wished to change their sex designations. Additionally, no information was available on the proportion of trans people who would wish to have an “unspecified” designation or no visible designation at all, if such options were available. Thus, the remainder of analyses were conducted for the estimated 43.8% of trans Ontarians who had socially transitioned full-time with a male or primarily masculine, or female or primarily feminine, identity; this group reflects those most likely to want to change their sex designations to “male” or “female” to reflect their lived gender and appearance. Of trans Ontarians, 43.8% lived full-time in their felt gender as women or men.

Table 2. Name Change among Full-Time Socially Transitioned Trans Women and Men in Ontario (n=253)^a

| | % | 95% CI ^b |
|--|------|---------------------|
| Changed name or pronoun in daily life | 99.5 | (98.7, 100.0) |
| Legally changed name to reflect gender | 70.1 | (60.5, 80.7) |
| Want to legally change name, if have not | 85.6 | (37.3, 100.0) |

a Analysis included only those trans Ontarians who indicated they were living full-time in their felt gender as a man or woman. Those who had not socially transitioned full-time, as well as 20 participants who lived full-time in a non-binary or fluid identity, were not included.

b CI = confidence interval

Nearly all of this group had changed the name and/or pronoun they used in their day-to-day lives; however, while most wanted a legal name change, only 70.1% had completed this process (Table 2). Proportions legally changing names did not differ between FTM and MTF spectra (data not shown). Barriers to name change can include lack of information on the process, fear of transphobic experiences with a notary, and cost, as well as lack of parental or guardian support among those who have not yet reached the age of majority. Moreover, dual citizens and those with foreign birth records, which may not be changeable, face additional concerns regarding the bureaucratic implications of mismatched names on documents.

Table 3 reports the proportions of socially transitioned trans women and men who indicated they held specific identity documents. The most common were the Ontario health card, driver’s license and birth certificate, followed by the Canadian passport.

Table 3. Proportion having Identity Documents, among Full-Time Socially Transitioned Trans Women and Men in Ontario (n=253)^a

| | % | 95% CI ^b |
|-------------------------------|------|---------------------|
| Federal Documents | | |
| Canadian passport | 58.4 | (43.8, 65.7) |
| Citizenship card | 14.7 | (8.2, 25.6) |
| Permanent residency card | 3.3 | (1.2, 6.1) |
| Indian status card | 1.8 | (0.2, 4.6) |
| Military identification card | 1.5 | (0.0, 3.5) |
| Provincial Documents | | |
| Ontario driver’s license | 79.8 | (71.3, 87.9) |
| Ontario health card | 91.1 | (85.9, 96.8) |
| Ontario birth certificate | 69.4 | (56.5, 78.3) |
| Bring Your ID Card | 9.6 | (3.8, 16.9) |
| Other | | |
| Non-Ontario birth certificate | 31.5 | (22.6, 44.3) |
| Non-Canada passport | 16.5 | (8.9, 26.2) |

a Analysis included only those trans Ontarians who indicated they were living full-time in their felt gender as a man or woman. Those who had not socially transitioned full-time, as well as 20 participants who lived full-time in a non-binary or fluid identity, were not included.

b CI = confidence interval

Frequencies for changes made to sex designations on specific identity documents are presented in Table 4. There were no statistically significant differences between FTM- and MTF-spectrum trans Ontarians with regard to overall change in identity document sex designations, or to changes for each of the four most common document types (data not shown).

An estimated 48.0% of trans people who had socially transitioned to live full-time as men or women had no government-issued identification that reflected their lived gender. While a full discussion of the implications of this is beyond the scope of this report, this does represent a special situation in that the complete absence of identification matching one's lived gender creates barriers to everyday activities of life. This can impact willingness to drive, socialize at age-limited events, cash a cheque, or undertake any activity that requires showing identification. Moreover, data on sex is routinely collected and stored, and some form of identification is typically required to change sex markers on records such as student transcripts, employment records, professional licensures, and bank accounts. Inconsistencies between lived gender and these types of records can result in awkward encounters, inadvertent or intentional outing, or denial of service.

Among those who had legally changed their names, only 29.7% had changed the sex designations on all of their identity documents. Another 39.2% had changed some, but not all, and 31.1% had changed none.

Of those in this group who held a Canadian passport, 58.9% had changed their sex designation. As passport regulations require a passport be updated upon change of legal name or significant change in appearance, for the remaining 41.1%, travel would necessitate using a passport containing a sex designation that would appear at odds with the gender of the picture and name, and indeed of the passport holder. This situation is common across other forms of identification, and can lead to outing, unsafe situations, invasive questioning, or to attempts by well-meaning people to fix "the mistake".

The passport was the most commonly held federal identity document. Other forms of federal identification, such as citizenship or permanent residency cards, Indian status cards, or military cards, were held by too few trans participants to allow accurate estimation of proportions for sex designation changes. Unweighted frequencies are

Table 4. Proportion that have Changed Sex Designations (M/F) from Birth-Assigned Sex to their Lived Gender, among Full-Time Socially Transitioned Trans Women and Men in Ontario ^a

| | Socially Transitioned Trans Women and Men ^b n=253 | | Socially Transitioned and with Legal Name Change n=148 | | Socially Transitioned and without Legal Name Change n=105 | |
|--|---|---------------------|---|---------------------|--|---------------------|
| | % | 95% CI ^c | % | 95% CI ^c | % | 95% CI ^c |
| Summary Status | | | | | | |
| Changed M/F on identification | | | | | | |
| On all ID | 21.9 | (10.7, 30.0) | 29.7 | (15.4, 40.2) | 0.0 | (0.0, 0.0) |
| On some ID | 30.1 | (21.1, 41.7) | 39.2 | (28.2, 53.8) | 10.2 | (1.0, 23.0) |
| Have not changed on any ID | 48.0 | (38.8, 60.3) | 31.1 | (21.7, 44.0) | 89.8 | (77.0, 99.0) |
| Changed Sex Designation on Federal Identity Documents, among those with each ID type | | | | | | |
| Canadian passport | 44.1 | (21.6, 61.4) | 58.9 | (31.6, 75.6) | 0.0 | d |
| Citizenship card | 14.7 | d | 22.7 | d | 0.0 | d |
| Permanent residency card | 7.1 | d | 9.1 | d | 0.0 | d |
| Indian status card | 33.3 | d | 66.7 | d | 0.0 | d |
| Military identification card | 50.0 | d | 66.7 | d | 0.0 | d |
| Changed Sex Designation on Provincial Identity Documents, among those with each ID type | | | | | | |
| Ontario driver's license | 56.6 | (41.1, 68.2) | 68.9 | (54.9, 81.1) | 17.5 | (1.1, 35.3) |
| Ontario health card | 31.5 | (18.4, 40.5) | 43.9 | (26.0, 53.7) | 0.9 | (0.0, 2.3) |
| Ontario birth certificate | 30.9 | (16.9, 47.2) | 42.3 | (22.5, 59.1) | 0.0 | (0.0, 0.0) |
| Bring Your ID Card | 43.5 | d | 83.3 | d | 0.0 | d |
| Changed Sex Designation on Other Identity Documents, among those with each ID type | | | | | | |
| Non-Ontario birth certificate | 16.4 | (0.0, 26.3) | 21.1 | (1.0, 43.7) | 0.0 | d |
| Non-Canada passport | 20.5 | d | 28.6 | d | 0.0 | d |

- a Trans was defined broadly to include transgender, transsexual and transitioned persons
- b Analysis included only those trans Ontarians who indicated they were living full-time in their felt gender as a man or woman. Those who had not socially transitioned full-time, as well as 20 participants who lived full-time in a non-binary or fluid identity, were not included.
- c CI = confidence interval
- d Proportions without confidence intervals represent unweighted proportions where n<40

instead presented. However, it is worth noting that for no document type had all holders changed their designations.

Trans men and women who socially transitioned but had not (or not yet) legally changed their name had made few changes to sex designations. Only 10.2% had changed any of their identification documents, and this was almost entirely accounted for by changes to Ontario driver's licenses. Of those in this group who held a driver's license, 17.5% had changed their sex designation.

Among all socially transitioned men and women, a driver's license was the most commonly changed document, and the second most commonly held (next to a health card). It is both a versatile document for use in daily life and, in Ontario, the least onerous to change. Changing it requires a doctor's letter stating that the change is appropriate.

Recent Changes to Documentation Policies

Since Trans PULSE data collection was completed, three identity document policy changes have been implemented. The Canadian citizenship card was discontinued in February, 2012 in favour of a citizenship certificate; the new certificate retains a sex designation, and the policy for changing this remains the same. At the provincial level, the new Ontario photo card was introduced in July, 2011.

The third policy change has greater relevance for trans people. New requirements for changing sex designations on Ontario birth certificates were implemented in October, 2012, following a Human Rights Tribunal decision. The requirement for “transsexual surgery” that was in force at the time of Trans PULSE data collection was replaced with a statutory declaration of permanent full-time social transition combined with a confirmatory letter from a medical or psychological professional. It would be thus expected that the proportion who have changed their Ontario birth certificate will increase over time, though the implications for those who are gender fluid or who live part-time in their felt gender are not yet clear.

Estimated Numbers of Individuals Impacted

Early estimates were that 1 in 11,900 birth-assigned males and 1 in 30,400 birth-assigned females over age 15 were transsexual, as calculated based on trans patients seeking transition-related medical care in the Netherlands through 1990.⁵ However, a recent study from Massachusetts provided the first estimates from a large, probability-based household sample; researchers estimated that 1 in 200 adults (0.5%; 95% CI: 0.3, 0.6) fell under a broad category of transgender,⁶ similar to the inclusion criterion for Trans PULSE.

Unfortunately, as no similar data exist in Canada, it is not possible to extrapolate to the Canadian population with statistical validity. In a hypothetical calculation, if the 0.5% estimate were applied to 2011 census data, we would estimate that there would be approximately 144,000 trans residents of Canada age 15 and over. If we applied Trans PULSE results to this number, there would hypothetically be about 63,000 trans Canadians who have socially transitioned to live full-time as men or women, with 49,000 of these people doing so without having all of their government-issued identity documents reflect their lived gender.

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