

THE MIRROR HAS MANY FACES:
RECOGNIZING GENDER IDENTITY IN CANADIAN
ANTI-DISCRIMINATION LAW

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ABSTRACT

Owing to our failure to acknowledge the complexity and diversity of gender identity, gender and gender politics are contentious subjects in Canadian anti-discrimination law. On the one hand, Queer theorists continue to challenge the rigidity of the male/female binary, while on the other hand, Canadian law insists that identity is invariably determined by one's biological sex. The result is a power struggle, pitting those who fit neatly into rigid male/female categories against the marginalized Other-the transgendered community.

Transgendered persons have encountered many barriers in their search for equality in the law, partly owing to a lack of a proper legal foundation on which to base their discrimination claims. This paper argues that the failure of the already established grounds of discrimination to fully protect and represent transgendered persons requires Canadian anti-discrimination law to incorporate gender identity as a new ground of discrimination.