



A Series of Qualitative Studies
on Serious Legal Problems

A Qualitative Look at Serious Legal Problems - Lesbian-Gay-Bisexual People in Central and Eastern Canada

Dr. Barbara Perry
Victoria Ginsley

For Égale – Canada Human Rights Trust

2022

The views expressed in this report are those of the author and do not necessarily reflect the views of the Department of Justice Canada or the government of Canada



Department of Justice
Canada

Ministère de la Justice
Canada

Canada 

Information contained in this publication or product may be reproduced, in part or in whole, and by any means, for personal or public non-commercial purposes, without charge or further permission, unless otherwise specified.

You are asked to:

- exercise due diligence in ensuring the accuracy of the materials reproduced;
- indicate both the complete title of the materials reproduced, as well as the author organization; and
- indicate that the reproduction is a copy of an official work that is published by the Government of Canada and that the reproduction has not been produced in affiliation with or with the endorsement of the Government of Canada.

Commercial reproduction and distribution is prohibited except with written permission from the Department of Justice Canada. For more information, please contact the Department of Justice Canada at: www.justice.gc.ca.

©His Majesty the King in Right of Canada, represented by the Minister of Justice and Attorney General of Canada, 2024

A Qualitative Look at Serious Legal Problems - Lesbian-Gay-Bisexual People in Central and Eastern Canada

J4-167/2024E-PDF
978-0-660-73493-4

Table of contents

Introduction.....	4
Refugee and immigrant process.....	4
Domestic violence and intimate partner violence	4
2SLGBTQI+ people dealing with family court system	4
Homelessness and shelter	5
Justice system	5
Acronyms / specific terms.....	5
Methodology	7
The importance of Intersectionality.....	7
Immigration and Settlement	9
Child Custody, Parental Responsibilities, and Family Law	10
Legal and financial services.....	11
Housing and Social Support.....	11
Housing.....	11
Social supports	13
Debt and Money Owed	14
Harassment and Discrimination.....	15
Employment and Work.....	20
Issues with the Criminal Justice System	25
Other Serious Legal Issues.....	30
Perceptions of the Justice System.....	31
Few positive perceptions	31
Ambivalence	31
A "broken" system.....	32
Access to justice	33
Suggestions for Change	34
Concluding Thoughts	34
Bibliography.....	36
Appendix 1 - Demographics of Participants	41

Introduction

Lesbian, gay, and bisexual (LGB) communities in Canada face challenges in addressing justice issues in Canada, both civilly and criminally. Although only 3 percent of Canadians identify as LGB, over 11 percent of those assisted by Legal Aid Ontario in 2015–16 identified as part of the 2SLGBTQI+¹ (lesbian, gay, bisexual, transgender, queer or questioning, intersex, and Two-Spirit) community. The legal experiences of this community vary widely, depending on what services they are trying to access.

Refugee and immigrant process

The process for 2SLGBTQI+ people to immigrate or meet refugee determination requirements can be burdensome. It often requires intimate details about their relationships, for example forcing them to recall traumatic experiences as “evidence” of their sexuality and/or gender identity to fulfil a Western understanding of 2SLGBTQI+ experiences. Also, 2SLGBTQI+ asylum seekers often face barriers to accessing safe environments and social support services (Hall & Sajjani 2015).

Domestic violence and intimate partner violence

Members of the 2SLGBTQI+ community experience exceptionally high sexual and domestic/intimate partner violence (D/IPV). Despite the elevated rates of occurrence, 2SLGBTQI+ survivors of sexual violence and D/IPV are less likely than cisgender and heterosexual survivors to report incidents to the authorities or access D/IPV shelters and support services. Barriers include an extreme lack of cultural competency (Ard & Makadon 2011), stigmatization, and limited understanding of D/IPV within 2SLGBTQI+ communities (Calton, Bennett Cattaneo, & Gebhard 2015). Those who do report may face a dual harm: they may experience rape culture myths as well as homophobia, biphobia, and transphobia within the support systems, including from police, shelters, and counselling services, if they go to for help.

2SLGBTQI+ people dealing with family court system

The Ontario family court system has passed legislation, the *All Families Are Equal Act*², to ensure that parents and children are treated equally under the law. However, some 2SLGBTQI+ people have complained that in actual practice, the judiciary continues to use heteronormative notions of family to inform their decisions in cases involving 2SLGBTQI+ people. As a result, 2SLGBTQI+ people report feeling that their identity has been erased, or they experience false assumptions and ignorance, which enables emotional violence and/or gender-based violence to continue during the family court process. Until recently in Ontario, the non-biological parent had to adopt their child to be recognized as a parent. In cases of adoption within the Children’s Aid Society, many queer couples have reported caseworkers who are homophobic and discriminatory because of their heterosexist assumptions and opinions about family structure (Ross, Epstein, Anderson, & Eady 2009).

¹ The focus of the report is on LGB communities. However, in the introduction we generally use the acronym LGBTQI2S to designate the larger community as this term is more comprehensive. It is noted that there are different acronyms for these communities. Unless a direct quotation, the acronym used throughout the paper will be 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and additional sexually and gender diverse people), which is what is used in [Canada’s National Action Plan](#)).

² <https://www.ontario.ca/laws/statute/s16023>

Homelessness and shelter

Shelter systems and service agencies are often not inclusive when it comes to 2SLGBTQI+ users' experiences. 2SLGBTQI+ individuals experiencing homelessness who seek support often face discrimination and inappropriate services (Ard & Makadon 2011). Homophobia, biphobia, and transphobia within the shelter system and service agencies may result in 2SLGBTQI+ individuals being denied access to services. In some cases, legitimate violence against them is ignored or dismissed (Calton, Bennett Cattaneo, & Gebhard 2015). Those who are homeless experience increased vulnerability to violence, exploitation, and criminalization. In a study examining the lived experiences of homeless, racialized 2SLGBTQI+ youth in Toronto, researchers found that participants were at a heightened risk of experiencing police violence and targeted police intervention (Cukier & Daniel 2015).

Justice system

Perhaps most troubling from an access to justice perspective, law enforcement and Canada's *Criminal Code* have historically targeted 2SLGBTQI+ communities disproportionately. This systemic discrimination in criminal law is evident in legislation, such as anti-sodomy laws, like s.159 of the *Criminal Code*; policing practices such as carding; and, famously, the raids of bathhouses and other queer-occupied spaces. Members of the 2SLGBTQI+ community complain that police continue to discriminate against their communities, especially when members are also racialized and/or Indigenous. Some significant issues facing 2SLGBTQI+ people in Canada remain the criminalization of HIV/AIDS, sex work, and discriminatory carding. Many in the 2SLGBTQI+ community thus either see traditional legal services as an extension of that system, and / or have been discriminated against, or fear they will be if they attempt to access legal support. This is particularly true for those who live at the intersections of racialized and 2SLGBTQI+ identities.

This qualitative study complements the quantitative 2021 Canadian Legal Problems Survey (CLPS) and is intended to uncover the nuances of the 2SLGBTQI+ experience within a number of legal contexts. Listening to the voices of the community provides richer insights into the ways in which the justice system either supports or does not support their needs.

Acronyms / specific terms

Biphobia	The fear and hatred of, or discomfort with, people who love and are sexually attracted to more than one gender.
Cisgender	A person whose gender identity aligns with those typically associated with the sex assigned to them at birth.
Gender fluid	A person who does not identify with a single fixed gender or has a fluid or unfixed gender identity.
Gender queer / genderqueer	Genderqueer people typically reject notions of static categories of gender and embrace a fluidity of gender identity and often, though not always, sexual orientation. People who identify as "genderqueer" may see themselves as being

	both male and female, neither male nor female or as falling completely outside these categories.
Heteronormative notions	The concept that heterosexuality is the preferred or normal mode of sexual orientation. It assumes the gender binary (i.e., that there are only two distinct, opposite genders) and that sexual and marital relations are most fitting between a cisman and a ciswoman.
Heterosexual	A person who experiences sexual attraction to people of gender different than their own. Also referred to as “straight”.
Homophobia	The fear and hatred of or discomfort with people who are attracted to members of the same sex.
IPV	Intimate partner violence - abuse or aggression that occurs in a romantic relationship.
LGB	Lesbian, gay, bisexual
LGBQ	Lesbian, gay, bisexual, queer/questioning
LGBTQI	Lesbian, gay, bisexual, transgender, queer/questioning, intersex
2SLGBTQI+	Two-Spirit, lesbian, gay, bisexual, transgender, queer or questioning, intersex, <i>and additional sexual orientations and gender identities</i>
Non-binary	An adjective describing a person who does not identify exclusively as a man or a woman. Non-binary can also be used as an umbrella term encompassing identities such as agender, bigender, genderqueer or gender-fluid.
Pansexual	Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way or to the same degree. Sometimes used interchangeably with bisexual.
PTSD	Post-traumatic stress disorder (PTSD) is a disorder that develops in some people who have experienced a shocking, scary, or dangerous event.
Rape culture myths	False beliefs about sexual assault that shift blame to the survivor
Transphobia	Transphobia is discrimination, harassment and bullying or hate crime experienced by trans people (or those associated with them) on the grounds of their gender identity and/or expression.

Methodology

The goal in both Eastern and Central Canada was to conduct semi-structured in-depth interviews of 25 to 30 participants who self-identify as 2SLGBTQI+. A total of 25 interviews were conducted in Central Canada, while 17 interviews were conducted in the Atlantic provinces. At the request of the contractor, the two projects were ultimately merged to produce one report. Appendix 1 shows the demographics of the participants.

The interviews were conducted by phone, recorded and transcribed. Identifying information was removed and the transcripts were anonymized. Audio recordings were erased, usually within a week of the interview. Participants were sent a \$50 honorarium.

The interviews aimed to collect personal narratives and to more fully understand participants' experiences in resolving justice-related issues. The interview guide drew from the CLPS to identify the key legal issues:

- immigration and settlement;
- child custody, parental responsibilities, and family law;
- legal and financial services;
- housing and social support;
- debt and money owed;
- harassment and discrimination;
- employment and work; and
- issues with the criminal justice system.

Although the CLPS formed the basis of the interviews, we developed additional probing, qualitative questions, in consultation with 2SLGBTQI+ community members and leading academics who study 2SLGBTQI+ issues. In particular, questions were added about whether participants were satisfied their problem had been resolved (or if it had been), and how they perceived the justice system.

Findings from the interviews are presented along each of the focal areas listed above, providing extensive direct quotes from participants. Rather than the researchers interpreting their voices, the participants speak for themselves.

The importance of Intersectionality

Intersectionality is a concept that acknowledges that everyone has their own unique experiences of discrimination and oppression and we must consider diverse factors that can marginalize people, including sex, gender, race, class, sexual orientation, marital status, physical ability, etc. Several participants commented on the intersectionality of their identities, that is, the identity markers beyond and including their 2SLGBTQI+ identity that played a role in their experience with the justice system. Overall, 11 participants commented on intersectionality, nine from Central Canada (36 percent of 25) and two from Eastern Canada (11 percent of 17). The following participant from Central Canada commented on their experience with child custody. They did not feel their sexual orientation was a factor in the case, but, rather, their gender identity:

I think that my sexual orientation – it wasn't so much my sexual orientation but my gender that seemed to me to be a factor in the comfort that was urged by the court, the feel. That because I'm a woman and my ex-wife is a woman that that's a really good scenario, that the kid is better off with two women, because two women are better than one. I don't feel that my sexual orientation ever became any kind of factor in the decision-making. But I do feel that the fact that I'm a woman had something to do with an air of ease in some sort of decision-making (CC#19).

Another participant, from Eastern Canada, felt that their HIV status played a role in being denied insurance coverage. "I was denied, again it has to do with the judge and not my sexual orientation, so I'm not sure. And this is the bit I mentioned to [redacted] as well, in the gay community, it's very difficult to separate, especially in the gay male community, to separate the HIV issue with being gay, given the high infection rate" (EC#16).

An Indigenous participant noted how discriminatory the justice system is. They describe its foundation as being built on stereotyping, observing that there is a very rigid set of extra-legal rules (or "a box," as the participant put it) that informs the system. They noted what they see as the justice system's tendency to dismiss the truth of statements made by people living with various challenges (addiction, homelessness, low-income status, race, and so on):

It sucks. It's built on a system of stereotyping, you know? I don't know. It's not our laws, that's for sure. And it definitely doesn't look at things from an Indigenous point of view and definitely doesn't look at the fact that we see things in a different way. It doesn't. It's very cold. It's very rigid. It's in a box and they're not stepping out of the box and it doesn't work, because I've been through the legal system. I'm 9 years clean and sober so I've had numerous run-ins with the law. And when you become an Indigenous person who lives on the street, you see wild stuff. And they're not taken into account. That's never taken into account. Because anything you say as a homeless person, automatically it's not taken as truth. If you don't have an address and if you're not making a certain amount of dollar bills, you're not looked at. You're disregarded in this society. And I firmly believe that they built this society for white, wealthy people and anybody else can just go by the wayside (CC#20).

Participants also said that intersectionality shaped their difficult experiences with housing and social supports. One participant, from Eastern Canada, talked about the role their HIV status played in being denied access to services such as housing and health care.

But they informed me that they removed all support for housing for HIV positive men from their platform and focused more on drug addiction prevention, like needle programs and stuff. And so they denied me any kind of service, and they said, the reason is, according to them, that the government that they report to, the federal government through Health Canada, that there are only 6 HIV cases in New Brunswick. And my doctor alone has 300. So they took away, and the highest rate is from gay men, and that issue is not being addressed. It's completely pushed aside for other issues. I'm not sure that they'll like what I have to say because it's really that – access issues (EC#16).

The following participant from Central Canada noted their multiple identities and the role they all played in their discriminatory treatment:

I'm in a legal dispute with my housing provider. I've submitted a Human Rights Tribunal claim that is on pause while it works its way through. It's intersectional based on my disability, sexual orientation, and security of housing. I was threatened by a fellow neighbour and my housing provider failed me (CC#21).

On the interview theme of fear of reporting to police, a participant from Central Canada noted the intersectional effects of income status, ethnicity, or any minority identity:

Like the way that I feel is like, there's so many reasons like being LGBTQ is a big reason, but like being poor or just being a minority, like somebody who isn't the norm – that doesn't just mean ethnicity or anything. Anybody who doesn't have power in one way or another, they don't seem to be prioritized. That's how I feel at least (CC#16).

To sum up, several participants perceived that they were subject to multiple layers of discrimination and exclusion because of their multiple identities. It was not their sexuality alone that shaped their interactions with the justice system, but their other, similarly marginal, identities.

Immigration and settlement

Few participants had experienced challenges with immigration and settlement. Only three participants out of 25 (12 percent) from Central Canada, and none from Eastern Canada, mentioned immigration challenges. None of the participants were themselves immigrants; they were not denied the opportunity to immigrate, nor did they experience any difficulty in immigrating because of their sexual orientation. Instead, participants referred to the experiences of others in their lives.

One participant's relationship ended because their partner was deported. A second participant's relationship also ended because of immigration challenges. These participants commented on the difficulty of navigating the system. Another Central Canada participant commented on the danger their friend faced back in their home country, which resulted in their decision to immigrate to Canada:

I had all these letters of support from friends that he was in dire straits. He can't stay in [country]. He can't even go home. He can't tell his parents he's married to [partner's name]. It's dangerous. And I plead with him, don't go back home. So when he went back home and I didn't hear from him for a few days I was like terrified. Because it's serious over there (CC#14).

Ultimately, that participant felt that legal support for 2SLGBTQI+ immigration issues was not at all helpful, noting that they had considerable difficulty finding a lawyer who would or could provide assistance.

Child Custody, parental responsibilities, and family law

Across both Central and Eastern Canada, only four participants of 25 (16 percent) from Central Canada and one of 17 (6 percent) Eastern Canada participants reported issues that involved family law, child custody, and parental responsibilities.

The first participant explained their concerns about their ex-partner's family and how the family's connection to a church played a role in the custody case because of the participant's sexual orientation. The participant explained:

[O]ne of the issues we had, for instance, was because my ex's parents go to like a very conservative church, they go to a church that would like tell kids, for instance, that you would go to hell for being gay or not being straight, or having a different gender orientation, stuff like that (CC#17).

As a result, this participant fought to keep their child from being taken to church because they were concerned about this rhetoric from the ex's parents on sexuality and gender identities. The participant's concerns are based on their understanding that although celebrating differences is not illegal, discrimination based on sexual orientation is.

Another participant from Central Canada facing child custody issues reflected that, during custody proceedings, they felt the courts preferred that children be raised by two parents, regardless of the concerns raised by the participant about their ex's behaviour. The participant summarized the situation by stating, "[The judge] said, two women are better than one to raise a child. And I disagreed. But I could not prove it, so I understand the position that he was in and all the lawyers were in" (CC#19). The participant did not feel their sexual orientation was a factor in the case; rather, co-parenting the child was the determining factor in the custody agreement.

The following Central Canada participant explained the divorce proceedings with their ex, and their difficulties in retaining custody. They described the hostile experience with their ex when they separated and concerns about the ex's threats of self-harm. The police had to be called numerous times. After one occasion, their ex disappeared and did not maintain consistent contact with their child. The participant also described the transphobia they experienced in court during the divorce proceedings and the language, they felt was discriminatory, used by their ex to win the court's favour. "[H]er affidavit to the court stated that I was just a guy who cut off his genitals and a lot of things like that in the court affidavit, so trying to win the courts' favour by saying that I'm just a tranny, whatever" (CC#1). The participant was pleased by the positive reaction they received from the court about their ex using transphobia as a way of attempting to win custody: "[T]he courts seem to be ignoring that aspect of it. A lot of relief, some surprise" (CC#1).

Another participant, from Eastern Canada, described what they believed was discrimination from their ex-partner's lawyer, who questioned their sincerity in the marriage because the participant was bisexual. The participant stated that "at one point I was sitting with his lawyer, him, and my lawyer and a mediator and his lawyer out of the blue started asking questions about whether I had been sincere in entering into the marriage, 30 years before because I was a bisexual woman" (EC#3). The participant shared more details about the discriminatory comments made by the lawyer and how it felt to be

questioned because of their bisexuality. They expressed feelings of embarrassment, describing the lawyer's questioning as bizarre, and implied that their bisexuality was being used as grounds for annulment.

Legal and financial services

A small group of participants across the two regions expressed concerns about their ability to access legal and financial services. Two of 25 (8 percent) participants from Central Canada and two of 17 (11 percent) from Eastern Canada reported serious legal issues in this area. Participants experienced a range of issues: being denied insurance coverage, concerns over whether a jury would accept their HIV status, not being able to access their estate (a trust fund), and being discriminated against by their landlord.

A participant from Eastern Canada who was denied insurance coverage commented that they felt they were being discriminated against because of their HIV status. But they were unsure whether they were denied coverage because they were gay, since HIV is often connected to their sexual orientation. They observed that “in the gay community, it's very difficult to separate, especially in the gay male community, to separate the HIV issue with being gay, given the high infection rate” (EC#16). They explained that because their HIV status was classified as a chronic illness, not a disease, they felt it should not prevent them from obtaining adequate insurance coverage.

Another participant noted similar concerns about their HIV status. They were told that their sexual identity and health status would affect their court case. Their lawyer explained to them, “because I'm a gay man, the jury will look down on me. And because I have HIV, the jury is going to look down on me” (CC#9). Both this person and the previous participant (EC#16) experienced discrimination because of their health status, which is often connected to their sexual orientation. These experiences pinpoint the intersectional identities of 2SLGBTQI+ folks, revealing the underlying factors that often result in them becoming targets of discrimination.

Another participant experienced similar challenges with the intersecting elements of their identity (queer and trans) when a landlord discriminated against them. The participant recognized that their identity could provoke disputes, and they therefore took precautions to protect themselves.

Housing and social support

Housing

More participants from Central Canada (six of 25, or 24 percent) than participants from Eastern Canada (three of 17, or 17 percent) shared experiences of their legal challenges with housing. Three of 25 (12 percent) Central Canada participants noted an issue with social support challenges. One participant explained that, due primarily to their sexual orientation, they had been denied services intended to help them find adequate housing:

When it comes to housing I was denied access. There are programs for every other group of people out there, if not true on some, but through the government. But there are so few, they expect middle-aged gay men to be successful. And so, educated and being able to, my

perception anyway, is that there's a sense of, oh you can make it on your own and they don't provide the support systems. So I had trouble getting access to housing. When I tried to even get a rental, when I was applying for a two-bedroom, they wanted to know who was going to be in the 2nd bedroom. It was just – and that I think part of it was sexual orientation because they denied. I was refused access to even look at the apartment (EC#16).

A Central Canada participant was “encouraged” to break their lease by a landlord who frequently used discriminatory and homophobic language. The participant had moved to Central Ontario from Nova Scotia with their partner. Upon seeing the two together, the landlord urged them to leave the building, because other tenants had complained to the superintendent about their relationship. The participant revealed that the landlord used discriminatory language in front of them during a meeting, and was told that to continue living in the building, they and their partner could not show any affection to one another in public:

I was called down by the superintendent and he said, we don't want you people in our building. He says it's not appropriate, the life you're living here. It's best you get going and find something somewhere else to live. So that caused all the problems and then I was called by management office and told something similar. People were complaining to us that they don't like your sexual orientation and if you can keep it aside and not do that in public and not hold hands in public and not do things in the elevator and if you think you can handle that then we'll give that a go. If not, if you're not comfortable with being quiet, is the term they used, then we'll let you out of your lease and you find another place to live (CC#25).

When the participant spoke up for themselves during the meeting, the landlord said that they had assumed the term “partner” meant woman, not man, and suggested the participant break the lease, offering the deposit back.

Another participant believed that they faced a different form of discrimination from their landlord, who refused to acknowledge another tenant's ongoing harassment. It is important to note that while this participant felt that their experience was vindicated by the court system, they still experienced extreme stress. They described the resolution to the case, stating that because they had documented the other tenant's harassment, they were able to use that to support their claims with their landlord:

It looked like me making an agreement with the old landlord for a move out date of February 29th with \$4000 paid from them. And that was it. That was all. And I had stopped paying rent in November because they weren't addressing the issue, so all those months of rent, they took that. I didn't have to pay that back. Because I walked into court with three years of paperwork, three years of police reports (CC#20).

In a different context, a Central Canada participant noted that their ex-partner attempted to sue them over ownership of a home. The participant felt the judge failed to recognize that their 2SLGBTQI+ relationship was the genesis of the lawsuit, and therefore sent the case to small claims court instead of family court. They felt their case would have been better suited to family court. “So barriers, in that case, yeah just the fact that it seemed like, people seem to be a long time catching on. On the face of it,

the judge seemed to want to not look at some of the facts and the facts were that this was not a business relationship” (CC#7).

The following participant faced issues from the family of a roommate who abandoned their lease. Because the family had pushed the roommate to abandon the lease, the participant feels the family discriminated against them because of their sexual orientation. The family alleged, falsely, that the participant was selling drugs, statements instigated by the family to justify breaking the lease. The participant initiated legal action as a result. During the process the father of the roommate, “saying that he knew that I gay. I wasn’t out as trans at the time. Saying that he knew that I was gay and that he would out me to my parents if I didn’t drop the legal case” (CC#23). They describe the cumulative effects of their legal dispute:

I burned through all of my savings. I ended up having to get more student loans. Yeah I was constantly worried about money. I stopped going to like physiotherapy and stuff, I stopped going to psychological therapy because I could no longer afford it. My depression got severely worse in a combination of both the stress and the lack of access to therapy. I have chronic pain problems, which is why I go to physiotherapy and I ended up having that worsen pretty severely (CC#23).

Social supports

One participant spoke about how they were misgendered when they were at a Service Ontario office to access social supports, and described some of the discriminatory language directed at them. The service worker refused to acknowledge the gender-neutral X marker on the participant’s birth certificate, stating, “that’s just on the outside, on the inside we really need to know what you are. And that’s a quote” (CC#2). The participant went on to explain the bias the worker showed about the need for a binary gender identity:

And I’m like, I’m really non-binary. And she’s like, we’re going to list you as female. And I’m like, no I’m not going to sign that because it’s illegal to lie on a legal document and I’m not going to get caught for that. So no. We have provincial and federal protection, get up with it. But she was insistent. She actually openly mocked me. And I said well, if I have to choose. She said you have to sign it with a gender, male or female. And I said, okay, male. And she’s like do you have a legal document supporting that? And I was kind of like, I showed you my birth certificate which says X. I brought my other ID. Do you want a doctor’s note, because I have my doctor’s note that says I’m non-binary? She was like, no, but I’d like to change it to male. The way that non-binary – it’s as if non-binary is a farce (CC#2).

Another participant faced discrimination when they attempted to receive disability benefits. They were told they did not have enough proof of their disability and were denied. Welfare had a similar response and denied the participant because they were living with their parents, even though they qualified under several criteria to receive welfare benefits. The participant describes their concerns over these fine details:

They said that because I live with my parents, you demonstrate everything else you need to check off to give you payments, but because you live with them and are not paying rent –

but if I did start to receive money from them I would start paying rent, through my mother, but she said to me that because technically right now I don't have to pay my own rent and don't have my own residence I don't qualify for their system. I mean, it felt kind of like they were trying to – sorry for my language but screw me over (CC#12).

The final participant faced multiple barriers because of their sexual orientation and gender identity. Notably, they felt that some experiences were due not to their 2SLGBTQI+ identity, but perhaps to the structure of the social support system itself. This example showcases the discrimination that 2SLGBTQI+ people face because of their intersecting identities. This participant had issues with several social services – including receiving childcare benefits, legal aid, and adequate medical support. They noted several income-related barriers during the process of accessing legal aid and felt that the system requires a person to fall below the poverty line before being offered legal aid assistance. Finally, the participant noted that finding service and support for transgender people is difficult and that they experience similar barriers and experiences in finding adequate support:

The other challenge I'm having, kind of related to that, is that there's not many social services around in general for transgender people. And the ones I did find, like a social group, and everyone there is suffering from the same issues, going through divorce, high conflict, having all their possessions taken away, having difficulty finding work (CC#6).

Debt and money owed

One participant from the East Coast and five (20 percent) of the 25 Central Canada participants reported legal issues related to debt and money owed, including collecting money owed or child support, accessing trust funds, and selling property.

The following participant experienced issues with an unemployed partner, with the participant covering the partner's living costs (rent, utilities, basic necessities). This has proven difficult for the participant, who made this arrangement without accessing any official legal services. The participant noted that he had also found it difficult to stay employed and had agreed to support his partner with the understanding that he would arrange to pay back the money. However, navigating the payment plan became difficult. He explains, "I told him that you need to figure out when you're going to pay me this back. I know that you now have a job that I helped you get. It doesn't pay a ton of money. It's an entry level position with the federal government. But it did take us a while to get to the point like here's exactly how much you owe me and here's the time frame that I want to be paid in" (CC#11).

Another participant also experienced difficulty collecting money they were owed. They had lent their friend some money, expecting, as with the previous participant, that the partner would arrange a payment plan. Their friend stopped complying with the payment plan and the participant took them to court. They explain, "So I ended up going to the court system for about \$75, which I felt really kind of bad doing, because it really doesn't seem worth it. And then I ended up settling and I got \$30 because the judge was telling me, they're not going to give this up easily at this point so do you really want me to send it to trial for this amount of money and I was like, no. So the judge sort of asked me what's the minimum that you would accept as debt repayment? And I said the minimum for what this all started was \$35. So he goes okay. Judgment, here you go" (CC#12).

The next participant, from Central Canada, faced issues gaining access to childcare support, and noted that their court case was still ongoing. Their lawyer noted it was the worst case of failing to pay child support payments she had ever seen:

Trying to get child support payments and money owed by my ex-wife for our daughters. My lawyer has the worst case she's ever had to deal with. We just passed the 3-year mark on separation. I have no idea how much longer it's going to go. There's still a huge outstanding chunk of funds owed to me. She is still refusing to pay her portion of expenses (CC#1).

In another case, a Central Canada participant could not access their late mother's trust fund. They explained that their sister controls the funds and refuses to acknowledge the participant's sexual orientation, though she is aware of it:

My mother passed away in 2013 and I was basically always at home, and I get a trust fund and my sister is in control of that, since she is older. And I would say yes. We eventually got around to it, but we unfortunately don't speak because of that. She still maintains power over the trust fund, but I still am receiving it. Yeah. I don't know if it has anything to do with it. I don't know if this has anything to do with your study, but I would say my, we've never had an argument over me being gay, but I know that she doesn't like it and she's never acknowledged it (CC#14).

The next participant, who is separated from his partner, tried to sell their house. His ex-partner tried to take ownership of the participant's house to sell it, which resulted in a court case and needing to hire lawyers. The participant highlighted what they felt to be weak representation by their lawyer, whom the participant felt was not fully comfortable with their gender identity:

When I finally did find someone, it was because on her webpage she said she was LGBT-friendly. So I took her on, but I found that the quality of her services was not the best so I had some issues with that. And I actually did not completely pay her because I was so dissatisfied with some of the service she provided. And she tried to be a good person, but she didn't have a lot of trans experience and she also made comments, like very, I don't know, it may be gendered comments which show a stereotypical bias. So I was challenged with that. I didn't always feel like I had a representative really 100% supporting me (CC#6).

Harassment and discrimination

For participants in Central Canada, harassment and discrimination were the most frequently noted serious legal issues (13 of 25, or 52 percent); they were less common for Eastern Canada participants (4 of 17, or 23 percent). However, we found, after reviewing the responses to questions about harassment and discrimination more closely, that these issues are either very general – i.e., they are about the experiences of LGB as a group, not as individuals – or they actually constitute criminal violence. One Central Canada participant observed:

[A] lot of the discrimination that is directed at us, whether you're queer, trans, 2-Spirit and so forth, a lot of it is not as public as it used to be. I feel like a lot of it is not on display,

whereas now it's more subtle and it's there. It exists, but they have now found ways to perhaps make it a little bit more difficult to identify and to challenge (CC#18).

Another participant highlighted how normative harassment was, stating, "I have – like I say, being a 2-Spirited Métis woman walking around in this world, it's every day. You're going to get encountered with all kinds of things. Almost on a daily basis. Unless you're like blind" (CC#18).

Participants noted that verbal harassment was a common experience:

"[S]ometimes it's some people who are just really rude and stuff like that. Saying go kill yourself and stuff like that. They would make comments on my reputation" (CC#17).

Another participant described the ongoing homophobic verbal harassment they experienced during their teens, in their school and in their community, ranging from anti-gay slurs to death threats. Ultimately they were given an ultimatum by the high school principal, who said, "either you drop out or I kick you out. And tells me that she can't protect me from me being gay and that she would rather me be able to go to a school again, somewhere else, but not here. I ended up running away from home to Toronto at the age of 15" (CC#8). Yet another described a pattern of verbal "gay bashing" perpetrated by a neighbour in their apartment building. Layered on top of that, according to the participant, was the landlord's failure to address the issue directly. In fact, the participant said:

I'm the one being taken to court and is being looked at because I stopped paying my rent because they're not addressing the issue. So then I'm the one who is being threatened with homelessness and everything else like that because they're not addressing the issue and I'm taking it into my hands to force them to address the issue and they still won't (CC#18).

Finally, two participants noted patterns of discrimination in the workplace and other professional spheres. An interesting trend noted by one Eastern Canada participant speaks to 2SLGBTQ+ people's exclusion from professional networks. They had just relocated from a city in Central Canada and were having difficulty building the networks they needed to successfully integrate into their industry. They attributed this to their sexual orientation:

Well, I think that, let's say for example that under normal circumstances, you see people being invited to go out for drinks in a networking environment. And I see it around me all the time. But most of my clients are heterosexual. They all have families. So to invite a gay man to go out for lunch in a small town can be perceived differently than if you do that in one of the big cities . . . I just know that if I had been straight, I would have been invited to go for beer. And it wouldn't have been implied that it meant something more than just a beer. (EC#15).

Three more examples point to discrimination, even violence, within the participants' own communities. Two of these featured negative experiences within the queer community. The first participant said that they:

[F]eel more sad about that because sometimes that happens by the queer community because I was like managing some space on the internet and sometimes when you don't do what the people want or something, you have to pick some rules, people start to be really

angry and starting rumours about you. For example one was kind of like saying to everyone that I was against sex workers and I never said anything against sex workers and I have lots of friends who do sex work so you know, that's happened to me. And one time it was on a safe space and it wasn't just virtual, the person like attacked me. So that was harassment (CC#17).

Another described a similar, albeit more violent "campaign" of retaliation from within what they referred to as the "sex-positive" community. When they went public about being raped by a "white supremacist, heterosexual (I think) man, who was very popular," they were subject to what they referred to as a "bullying campaign," and a "whisper campaign," and characterized as a "lying bitch." The participant felt:

[T]hey're just out to assassinate my reputation and there's nothing I can really do. Because any action I do, once I tried to enter an art competition and someone mentioned my mentor and told things about me. And then the mentor ended up dropping me (CC#1).

In the third case, a Two-Spirit individual described the discrimination they experienced within their Indigenous community. They sought to have a sacred Two-Spirit eagle staff included in their annual pow wow, motivated by the question, "What is it that we can do in our community to decolonize our communities and help to bring ourselves and our Two-Spirit brothers and sisters back into the circle of community care" (CC#12). However, they were told by the pow wow committee, in writing, that, because of their sexual orientation, the staff would not be included:

But now that I've advocated for myself and my family and my community in the context of welcoming Two-Spirit people back into the community, we're being told no because of your sexual preference. Yeah, you're okay, you can come here, as long as you stay in the closet, but don't bring in the eagle staff and don't bring the flags (CC#12).

In another context of discrimination, some participants transgressed boundaries by resisting or pushing back against their oppressive or otherwise negative experiences. One noted the likelihood of retaliation "because you're a shit disturber, because of this case going forward" (CC#14). Another shared similar sentiments, stating, "Yeah, so especially the male staff, because once I came forward with this they started targeting me and making things uncomfortable for me, saying that I was a man hater and that I was just trying to get rid of men out of women's institutions and what not" (EC#6). It is little wonder, then, that participants hesitated to report incidents of harassment or discrimination. Certainly fear of retaliation is one reason for this, since "the community is so small, so if you complain on one, you complain on multiple issues, to multiple people that you don't even know. And so, I just feel like I'm blacklisted right now" (EC#16). Others fear being outed if they report incidents. In the following example, the participant was so reluctant to report a series of same-sex sexual assaults at the hands of a former partner that they waited 10 years:

My fear of being "outed," my fear of not wanting to talk to police – we understand what the barriers are for women coming forward in sexual assault cases, but then to add another layer of discrimination around homophobia. That was why I didn't seek justice originally (CC#6).

In contrast, two other participants failed to report being targeted, not to protect themselves, but to protect others. An especially poignant example follows:

One of the people who abused me and actually stole thousands of dollars from me was someone who was trying to immigrate to Canada. And I couldn't report them, aside from them also being non-binary, was that if I reported them, they would potentially get kicked out of the country. And I still wouldn't get my money back. But still, it's like, within the queer community, there's this need to protect those within the queer community because the state is so violent (CC#1).

However, as noted elsewhere, participants' unwillingness to report incidents that cross into criminal offences can also be attributed to a lack of trust in police, since "you build a stigma based around them. Like for me, I hate the cops. And that's because I've had so many bad interactions with them" (CC#8).

One person, who had been physically and sexually assaulted numerous times, had lost hope of pursuing any accountability for the rapes:

[Y]ou can't go to the cops. You get sexually harassed by the cops . . . I don't like the police, I don't trust the police, I've been harassed by the police, I've been sexualized by the police. It's a bad time. For queer people, for non-binary people it's a bad time (CC#1).

Unfortunately, this distrust extends beyond police, reflecting a much broader lack of confidence in the justice system as a whole:

I experienced an assault with a friend of mine. . . But in the aftermath of that I didn't tell many people but some of the people I did tell were trying to encourage me to pursue legal action. And yeah, I did consider it. I didn't end up actually doing that and I can explain what happened there. So, I think the first step in interacting with the justice system is actually feeling like justice is possible in the system. And I had very little confidence in that . . . So, I have very little confidence in being believed I don't have a great relationship with the police or the justice system. I think that's pretty common among the queer community, like politically (CC#2).

One participant was particularly concerned about what they understood to be the criminal justice system's lack of capacity to deal with same-sex sexual assault. They observed:

If you're a person of colour, if you're identifying as gay, lesbian, bisexual, Two Spirited, whatever or however you want to define that for yourself. So, it seems to me that we put people at further risk by not acknowledging that vulnerability and then further psychological risk when you run into a system that doesn't know how to deal with sexual assault and it certainly doesn't know how to deal with same-sex sexual assault (CC#6).

While this was thought to be a problem across the board, participants were especially critical of the apparent "trepidation" of the Crown attorney to discuss same-sex sexual assault, recalling, "She could conceptualize the relationship, but she couldn't the sex because she obviously had barriers in her own mind and she needed some education and so does that whole bloody Crown Attorney's office" (CC#6). The participant went on to say that they felt that there was a need, not just across the justice system

but also among the general public, for broader awareness and education about the specific dynamics of same-sex violence.

Similarly, another participant highlighted the importance of 2SLGBTQI+ – or at the very least 2SLGBTQI+-friendly – legal actors. They felt able to engage the criminal justice system only because they had the support of a friend who was a lawyer, who was also gay. They said, “I don’t know that I would have been able to convince myself to see somebody else” (CC#3). Rather than fear that they would be confronted by an unsympathetic justice system, they “knew that I would automatically be believed and supported. And then that person being queer too, like part of the community, understands my perspective about police and their perceptions of me. The interaction of gender and identity and all of that – it helped” (CC#2).

It seems that participants who experience non-criminal forms of harassment and discrimination are even less likely to pursue legal solutions. Very few said they had turned to the legal system to resolve their issues. One exception was the case noted above in which the pow wow committee refused to admit the two-spirit totem flag. The participant involved in that example did launch a human rights complaint against the tribal government. Two years later it has still not been resolved.

Most participants, however, have little desire to engage with the legal system. One participant described their sense that the 2SLGBTQI+ community was invisible to the legal system, so, although they had experienced numerous instances of discrimination, they felt that, regardless, the “legal structure itself is not – does not factor me into existence” (CC#1). Similarly, another participant referred to the “bullying and smear campaigns and all these nasty things going on that I can’t pursue. So like legal issues are happening, but the structure itself is just so inaccessible” (CC#2).

Interestingly, several participants noted that, even in the face of unsatisfactory outcomes, they refused to be silenced. They may opt not to go to court in future, but they would nonetheless continue to push back in the interests of justice and the recognition of their human rights. One in particular declared:

It makes me find solutions, so I think part of my being gay makes me want to fight for rights, especially for gay men because we’re getting lost in the shuffle . . . So the negative crap that I’ve dealt with and I’ve been dealing with has only motivated me to dig my heels in and to be part of the solution (EC#16).

As in other legal contexts, discriminatory experiences and unsatisfactory resolutions are not without consequences for the participants. Emotional and mental health problems were common, in that “it downgrades you on a whole. Your self-esteem is down so everything else is down. If you let it get to you” (CC#18). One participant said:

[T]here were mental issues, it caused my depression, anxiety. I was living by myself, not knowing anyone, not being able to talk to anyone gay, no one HIV positive. And also, lack of income, lack of housing, lack, lack, lack. I didn’t feel like there was anything of value to bring to the table either. So you just isolate more and it caused a mental breakdown (EC#16).

Others also noted isolation. The discriminatory experiences and the associated fear of being targeted again because of their sexuality caused one participant to distance themselves from anyone who

attempted to befriend them: “Just that now if anyone tries to become friendly with me, male or female, they say hi, how are you? I say, fine, now keep away from me. I just shut it down” (CC#21). What is more disturbing, the problems they have experienced may also result in a break with their culture, as in the case of the Two-Spirit participant. For them, the damage was “far-reaching and significant” (CC#12). They no longer travel to their community or attend the pow wow because they now see it as a “toxic” and unsafe place. They sum up their estrangement as follows:

There’s many layers here, right? I’ve been dispossessed as an Indigenous woman of my land and my water and my home and all of these things, but from my family, my community, my traditional roles and responsibilities, that action of, no you can’t come here because of your sexual preference, has far reaching impacts in terms of our cultural and in terms of our way of life and our wellness is all holistically connected and it’s all about relationships (CC#12).

Employment and work

Eleven of 25 (44 percent) participants from Central Canada and a slightly lower proportion (6 of 17 or 35 percent) of Eastern Canada participants said that they had experienced challenges with work. Across both regions, the incidents clustered around harassment and discrimination, false accusations of wrongdoing, failure to hire, and dismissals that were seen as illegitimate. One case of discrimination has been ongoing for many years:

It started in [the 1990s] when management started harassing me because they found out that I was a homosexual. And they were management, not with federal officers. The management was walking the way that – I do not walk in that manner – but they were walking behind me and mimicking a female walk. They were calling me the [name] it was a terminology from the 60s from Montreal where they would refer to the gay population as the [name] (CC#9).

This participant recalled that they transferred workplaces and took at least three medical leaves as a result of harassment from colleagues and management. They experienced a variety of abusive behaviour:

I would receive graphic, vulgar emails. Oh, this is all recorded. So, yes, I was receiving emails. Graphic pictures and walking down the corridor in the jail, people would [look at] me mimicking anal sex, grabbing each other’s butts, turning around and looking at me, giving me the eye. Anyways, going around and calling me the [slur] word. If you know what that means. And also calling for anal sex (CC#9).

In spite of the incessant harassment, and the participant’s documentation of it, the case is still unresolved, as discussed more fully below. Their experience was not unusual: several other participants also shared instances of workplace harassment and discrimination. One participant from Eastern Canada describes the homophobic comments frequently directed their way:

Issues with harassment and unprofessionalism with coworkers and management [...] So it was a lot of homophobic remarks flying around from coworkers and even from some

management, which was surprising because the person right above me in terms of management was also a queer man (EC#17).

Others characterized their experience as discrimination rather than harassment, although they often had difficulty identifying anything concrete. It appears that, for some, the climate in which they worked was fraught with unequal treatment based on their sexual orientation. One describes their experience with payroll errors:

Like at first I thought it was just like an error. And then as it went by, I was finding the error to be specifically with me, compared to other people that I work with. . . So I was looking through old emails and I found one where this particular manager took issue with it, like because of my sexual orientation and that I'm not white, that they specifically chose to change the end date and then also not communicate that to me. Which is probably why every time I asked for a calculation, they're using an earlier date to tell me that I'm not owed as much (CC#10)

Another shares a similar sense of being discriminated against because of homophobia in their workplace:

I worked for a private firm and my supervisor has always been known to be outspokenly against the LGBTQ community. And it was just something that we all sort of knew but no one really talked about it. And she found out that I was part of the LGBTQ community and it felt like there was some sort of discrimination at work. So for example, I was passed on for a lot of incentives at work and also promotions. And it just felt that a lot of the practices that she instilled were unfair (EC#11).

That participant points to questionable promotion practices; other participants suggested that questionable dismissals also occurred. One individual highlighted the risk of identifying as openly Two-Spirit in the workplace:

I believe I was terminated due to me being very open about my sexual orientation, about being a Two-Spirit person. . . I was pushing for safe space training. I had been the first person to put up the positive space training stuff, safe space training stuff, rainbows everywhere to let the youth know that it is a safe place. Well, other staff and management didn't like it and within a week I was fired (CC#12).

A participant who worked in the construction industry in Eastern Canada suggests that there is widespread homophobia in that sector, making it challenging for 2SLGBTQI+ people to keep their jobs, saying:

[I]n my line of work nowadays in carpentry and in construction in general, it's very hostile towards anybody in the rainbow community, referencing the 2SLGBTQIA+ and allies community for your reference. There's a lot of hostility towards anybody within the rainbow community, even if you're an ally. You're going to get painted by the same brush and I'm gender queer and openly pansexual in my community (EC#8).

Their dismissal came after they spoke out about transphobic actions they had seen on the worksite:

I spoke up and that was my job right there. I don't appreciate what you're saying and as somebody who identifies as non-binary gender queer, you know what I mean, blah blah blah. That was the end of it. Not terminated, just never called back. So effectively terminated, you know what I mean? I think they knew that they can't say that we're going to fire you for being whatever, without some sort of litigation (EC#8).

Indeed, as another Central Canada participant said, challenging the harassment and discrimination noted above seems to be a frequent precursor to being fired:

(A friend) brought it to my attention that someone was using derogatory language against me as a person at the employment. So, I brought it up to the management instead of calling the HR department because I figured it was an internal thing only because I had no primary evidence. Well, I had brought it up to management. They said they would tell the general manager that it was happening and within three days, I believe it was, I got brought into the office and I was told that she had now received complaints about me as a person and I was like, I don't really understand what they are. And she also said that she had no time to deal with this childish garbage that is the complaints I'm receiving. Yeah. And then within the next two to three days, I showed up for a shift and I worked the full shift, I worked with the general manager, and then the next day I came in for my shift, she wasn't there, and I got fired by the assistant manager (CC#11).

This particular incident highlights another strategy noted by six other participants – the use of what participants believe to be unfounded accusations as a pretext for firing “unwanted” employees. In two cases, after short periods of time on the job, and after they had identified themselves as gay, these participants were accused of theft as a way to justify their dismissal. One observed:

I was out and very much looked gay and I hadn't started transitioning or anything like that, but you could still tell. . . And in the end, they found the missing money. I had just done bad math and apologized but said that I couldn't come back because they just didn't enjoy my character (CC#11).

Similarly, another stated, “I came out as bi when I was 17 and I was working at [workplace name], as soon as I came out about it, they presumed and said, without any evidence, they wouldn't show me it, that I was stealing from the cash register. . . . They gave me a choice. I could either pay it back or leave” (EC#2).

Unfortunately, few of the reported incidents were resolved in ways that benefited or satisfied the participants. Many simply let it pass, or tried to “laugh it off” (EC#13). Two participants said that they didn't pursue legal avenues because of “lack of faith in actual justice in the rainbow community, most often just kind of get ignored” (EC#8) and because “quite frankly, I don't have much trust in the legal system, especially when it comes to stuff like that” (i.e., anti-gay harassment [EC#8]).

Others confronted the problem head-on, testing several avenues of redress. One participant (CC#24), who had been dismissed from a federal contract, was denied access to their former office so that they could retrieve their much-needed medication. Because they were not part of a union, that avenue of support was closed to them. They immediately called their Member of Parliament for assistance, but

found them to be “taking it so lightly and in disregard.” When the company again refused to allow the participant access to their medication, they filed a complaint with the Human Rights Commission, which also told them that they could not intervene.

The unwillingness or inability of multiple such institutions to intervene in the incidents recounted by the participants was a repeated theme. The correctional services worker noted earlier ran the gamut of possible resources, from management to unions to the grievance board. Yet, 30 years from the onset of the pattern of harassment, “if I get hit by a bus, this will go unresolved and disappear” (CC#9). The participant was stalled at every turn:

Management never interfered, never did nothing, and this has been the grievance settlement board since [the 1990s]. And now they’re very incompetent and they didn’t understand why this has been going on. Obviously I’m unionized and my main harasser [for several years] was our local president. So the union was involved. I tried to get different representation, but they never addressed the issue directly (CC#9).

In many of the cases noted, participants began their search for resolution with their human resource offices. None of the participants found this to be a fruitful line of action. An Eastern Canada participant noted three times that their human resources office was not at all helpful. They had hoped to address their issue “informally, sort of through HR but as you can imagine that didn’t go well (EC#17). Sadly, like this person, most participants felt that they had few other options. When human resources failed them, the participant did not seek out other legal solutions because, they suggested, they did not have much trust in the legal system. Even among those who tested the legal waters, none were satisfied:

I tried to get some kind of legal advice and legal help as well. It never really fully became a lawsuit or anything in the court and then I just kind of said, okay let’s just forget it and dropped it and so I quit. . . they said that to be realistic in terms of the timeline, it could take months or even years if it goes to court. It’s just very cumbersome itself (EC#11).

I ended up just talking to legal aid because I only have limited access, like I don’t have a lawyer and then I spoke with a friend who was a lawyer personally and tried to ask some professional questions or whatever, but I never got an official lawyer. And I ended up just going to the courts. Like they did mediation, so basically we went first because it was basically such a small number and they knew that they didn’t want to waste time in court on it, to be honest. So they had us go in for mediation . . . And eventually we did agree like a second time to just both walk away from it. But I think the whole thing took like a year (EC#15).

As these two examples suggest, both time and the cumbersome nature of the legal process are detrimental to resolving a case and can in fact deter participants from using this approach. If participants don’t know that the services they need exist or if it’s not clear which services they can use, they will be unable to navigate the system. One commented:

It felt very ad hoc and I’m sure there’s legal aid and kind of an organization or structure in place, but I just didn’t know about them. So it just felt very kind of one off, ad hoc things . . .

If there was some sort of service that I knew of that could help me and walk me through the steps and make things simpler, I think it would have helped (EC#11).

The cumulative effects of both the experiences of workplace challenges and the difficulties of resolving them are significant. And legal disputes are expensive. This was often the case, for obvious reasons, when participants were dismissed from a job:

It had some financial impacts. So I had to take a couple of months of no income while doing that transition and then, so the new position it was somewhat of a pay cut. But it's worth it for the better environment (EC#11).

So money was pretty tight as it was. And then with me losing that extra \$80, it may not sound like a lot, but that's a lot of food. And so we basically sat there and struggled for about a good six months (EC#2).

The financial stress exacerbated the anxiety of the underlying workplace issues. Everyone who said they had experienced a serious legal issue with employment also suggested that the incident itself, often coupled with the subsequent attempts to resolve it, had short- or long-term effects on their mental and emotional health. The following series of observations illustrate this:

The other thing that I found was really stressful, like it had a really big impact on my mental health. But I think before that I used to be very optimistic and not frustrated when things would go poorly in any way (CC#10).

It's even left me with severe emotional trauma in the fact that I don't know why I was fired, but they've made allegations that I stole from them, that I was a horrible employee, that I basically loitered all the time [at work], that I tried to steal items, time. That I wouldn't do work that I was assigned (CC#11).

It was pretty upsetting and I was pretty angry at first and then it just became just really upsetting that this was happening, especially in Canada. And that there are still people with that mindset, so it was just really disappointing. . . I think in the beginning it was just a bit of lost sleep and just kind of stress in general (EC#11).

And because I have PTSD anyway, like I have a stress disorder so it caused me to lose a lot of sleep and doing all the paperwork impact honestly, physically my relationship, that kind of thing. It really was kind of all-encompassing for a while there. It was pretty negative. Like it really sucked to be honest. It was pretty crappy. And it was like frightening at first (EC#15).

This last participant also alludes to the effects of the challenges on their relationships. This took many forms, including creating stress for others: "And my partner at that time was just peripherally stressed because we were living together so that's just stressful to be around, that kind of – I mean obviously that's a whole other thing" (CC#20). Others say their friends and family members began to distance themselves from the participants because of what they saw as an obsession with the ongoing challenge:

My entire life has been impacted. I had plans – in the past 3–4 years I have come to realize that people are fed up of the socializing with [name] because that’s all I spoke about. I was so deeply trapped, wounded, that all I spoke about. And people were fed up. And I lost family and neighbours, out of my life because they couldn’t take no more. And my social interests is minimal to none. I stay home all the time (CC#9).

Finally, one participant feared that their experience of having been wrongfully accused of misconduct on the job would negatively affect their relationships with anyone who knew what they had gone through. It “made me think everyone must have been thinking the worst of me if that’s where they go immediately. Like how am I ever going to get an employer to trust me?” (CC#21).

Issues with the criminal justice system

To explore issues with the criminal justice system, participants were asked the following question:

- In the past 3 years, have you encountered a serious legal dispute or problem involving contact with the police by being stopped, accused, charged, detained OR as a victim or witness of a crime?

Eleven of 25 (44 percent) of Central Canada participants and five of 17 (31 percent) Eastern Canada participants responded with what they saw as relevant issues. Most of these discussions revolved around problematic interactions with police. Across all regions, 10 participants reported sexual assaults, physical assaults, or hate crimes directed at them; six noted that they had – rightly or wrongly – been accused of a criminal offence. Regardless of whether they were victims, offenders, or both, most reported troubling interactions with police.

Among the instances of hate crime, the following two stand out:

So, my experience was during Pride. And it wasn’t even near any of the events or whatever. I was hanging out with a couple of friends and I went to a store to grab smokes and when I left my friend’s building, 7 black guys left the building as well and swarmed me . . . And were uttering threats and so on and so forth (CC#8).

Me and a friend were walking, we’re both – I’m like I said gender fluid and I dress how I dress, I have my own style. I have a partner who is transgender male, we were just walking to a park when we suddenly literally heard, excuse my language, but hey faggot, over my right shoulder yelled aggressively and as I turn to look, whack, smacked hard in the face, both of us knocked to the ground, kicked, punched, called all sorts of profanities. Luckily we got back to our feet and fought back enough for a neighbour to hear (EC#8).

It is evident, either from context (Pride) or visibility, that both cases constitute hate crimes, that is, violence or threats of violence targeting individuals because of their perceived sexual orientation. However, in other cases of violence the motive is less clear. The following case appears to be primarily gender-based, with no sign that the participant’s lesbian identity shaped the action:

The beginning of January this year, I was the victim of a sexual assault. It was at my home and a food delivery person who I knew and had a friendly relationship with tried to kiss me

on the cheek and grope my breast, tried to kiss me on the mouth, did kiss me on the cheek, and grope my breast. So, I kind of panicked a bit, froze up and said just the check please and then he left. And I was very shaken up and I didn't know if that counted as an assault or something but I discussed with my partner, my girlfriend and with some friends who supported me in going to the police, which I did two days after the assault (EC#1).

The final example suggests an abuse of power at a prison:

I spent the last 5 years in a federal prison for women. And while inside I was sexually assaulted by a guard. And I came forward and actually before it happened I came forward about it happening to someone else that I knew about, and apparently there were allegations as far back as 2012 of this happening (EC#6).

The latter case is one of the few reported incidents that, from the participant's perspective, had a positive outcome. Under the tutelage of a national advocacy organization, that participant had become a prison advocate while imprisoned and was informed enough to document the incident. When they reported it to prison authorities, the participant felt that "they actually took me seriously" (EC#3). The officer was charged and is currently engaged in both criminal and civil proceedings. Moreover, in the end, the participant was also successful in persuading nine other women to come forward about how they were victimized.

Three other participants on the other side of the equation – those accused of criminal offences – also pointed to what they saw as positive resolutions of their engagement with the criminal justice system. One especially appreciated legal aid being available:

Thank God for the legal aid program. I got access to them twice. Once for the mischief charge and then second time, hilariously enough, for my assault with my partner. And yeah, I got the same legal aid lawyer both times, so I'm super thankful for that. Yeah, there could be a lot better information on how to access that program, because if I didn't know about it from my family, like there's no, there's not really, a lot of it out east is just word of mouth. All the information or posted or being shared is at least 10 years old (EC#6).

Here, legal aid was not necessarily able to ensure a not guilty verdict; rather, the participant felt supported as they navigated the system. One ironic case highlights the ways in which programs available as a consequence of participants' engagement with the justice system significantly affected their life. They suggested that their arrest represented "rock bottom" for them and was an incentive to enter a drug treatment program – which was ultimately very successful. Subsequent programming was also helpful:

Successfully completing the government programs that they wanted me to were beneficial to my mental health. The process of going through it wasn't super dope at the time, that being said, the process of probation, having someone that I have to refer to every couple of months and no, I'm actually kind of getting better, don't worry. That was nice (EC#13).

Some participants thus experienced "successes" due to involvement with the criminal justice system. Most of their evaluations, however, were less positive. One issue they raised was access to legal representation. A Central Canada participant described being wrongly arrested for assault and

mistreated by arresting officers. Three years later, they are still unable to find a lawyer willing to represent them in pursuing a case against the police service, saying “the problem with that is that no one wants to touch anything that has to do with police (CC#24). Two others discussed difficulties with the legal aid attorney assigned to them. The first was leery of trusting themselves to a very inexperienced lawyer:

My lawyer wasn't actually a lawyer yet. He wasn't granted his license until, get this, February 14th. But this all happened in January. So the lawyer I was given wasn't even really a lawyer yet. So I was in shock. . . . I went in and I said, I don't mean any disrespect to you dude, but this is my life we're talking about. And I don't think that you're qualified to take this on. I think I need a more experienced lawyer (EC#5).

Fortunately, a second more seasoned attorney was brought in to assist, but only because the participant had been confident enough to make demands. The second participant suggested that their lawyer lacked experience, or perhaps support for them:

At the beginning my advocate was saying it may be better if you say that you're guilty because you can just give \$100 or something like that and you will not have anything else. And I was no, I'm not guilty. I'm not going to say I'm guilty. And after that when she saw the cameras she was like, oh you are totally right. Yeah you're right to say, to defend yourself (CC#17).

Participants' most common complaint by far about their experiences with the criminal justice system was their negative interactions with police. Twelve of the 17 Eastern Canada participants who engaged with police – as victims or accused – reported that they were treated poorly. Participants who had been victims of threats or violence felt that police had not taken their experiences seriously. Several participants faced difficulties getting police to respond at all. One participant had been sexually assaulted, possibly after being drugged by the perpetrator. When they reported it to police, the responding officer dismissed the complaint, suggesting that the participant had just been drunk. The participant did not pursue it further until a similar incident occurred in the same community. At that point, the participant contacted two different western Ontario police services, but:

[N]either of them wanted to take my report. I literally called them four or five times and they kept putting me back and forth between the two of them and neither of them wanted to report it. So eventually I just kind of gave up. I tried contacting victim services but they weren't really able to help me. And I just kind of gave up after that. I don't want to but it just didn't feel like anyone was taking me seriously. So basically I just – I don't know. It felt like they didn't have much interest in reporting what I had to say, if that makes any sense (CC#15).

Another participant stated four times in the course of the interview that police did not seem interested in responding to their many calls for support:

I just explained to whomever answered what had happened and she told me that they couldn't send anybody out to actually take a statement from us. And her demeanor was one

of disinterest, especially I mean, it was at first until I told her why we were attacked, and then it was yeah, we can't send anybody out (EC#8).

Another participant, who had been swarmed by a group of men uttering threats, described a similar response. They reported calling police three times as the group of men continued to harass them. After the third call, police arrived an hour and a half later. But, when they did, "they basically told me that it was a little name calling and that there's nothing they can do and that they have more important things to do. That I'm wasting their time and I'm wasting 911's time" (CC#8). When police left, the group converged on the participant yet again, resulting in a fourth call to police. Again, after another hour and a half wait, police arrived, but:

[I]t was like I was the one that was in trouble, that I was the one that was starting everything and causing the threats and that . . . (the officer) started to be like, I don't care that your little soiree or whatever, it's just a little name calling. I said, as the phone was still on because of the 911 call, if this does not give me the right to call you a pig, then it's just a little name calling. Apparently the sergeant heard the call and then the sergeant ended up coming and again the sergeant was like the cops were making me out to be the bad person, like I was the one wasting everybody's time and their time and 911's time and I'm like, it's funny, I'm getting threatened here and you're not doing anything (CC#8).

This case was further complicated by the way participants were made to feel as if they had done something wrong. Other participants also noted this. One was very explicit about this tendency. They had called police to complain about a neighbour with a history of harassing them. However, when police arrived, officers became aggressive with the participant, who observed:

Well it's just the police and how they run things and how they check things. Stuff like that. If you make a report you're automatically looked at like you're the guilty party instead of the other person. Just because you're Métis. Being born Indigenous is a crime, didn't you know that? It does [impact treatment by police], because they work on stereotypes and they work on profiling. So as soon as they come to your house, even if you're the one making the call for the gay bashing or whatever, right away, automatically, and if you have a past, with a record, and you don't have a pardon, you're toast. They don't even look at you (CC#18).

A final example of negative police interactions takes this pattern to the next level. The participant approached the police service to discuss some unspecified issues that they found challenging. The immediate response of the officer was "oh we don't know why it's always the same person, people who complain" and then refused to take the report, ordering them to leave the station. The participant described what followed:

So I went out of the police station and on this police station they have like a phone that you can call if you want to reach the police, so I picked up the phone to just call and resolve what just happened to me. And with that, another policeman came and he told me to go outside. He said, we told you to go out. So I just like asked the policeman what is his name and when I asked him that, he arrested me and he charged – at the beginning it was like if I beat a policeman? . . . Yeah, assault. He accused me of assault but after that they changed the charge to obstruction in the work of policeman or something like that (CC#17).

While this case resulted in charges being laid in response to the participant questioning police inaction, one participant reported a history of police persecution of the queer community:

Also Pride parades for us afterwards there were a lot of problems regarding the police. We got busted many times and they would put us all in a box and take us all away and we were all let go but usually it was the next day. No charges, no nothing, just come and get us and put us in a cell and then let us go the next day, with no explanation, no nothing. One time, all us volunteers for the Pride parade were at a house party in the back yard, it was for all the volunteers. And the house is full, the back yard is full. I stepped out to the laneway and the police came into the laneway and rounded us up (EC#5).

The consequences of participants' difficulties range from emotional effects to changes in attitude. Those experiencing violence also commonly feel fear, anxiety, and trauma, as the following examples highlight:

Fear. Like I said, I haven't been touched by violence, by like queer-phobic violence in a very long time. And it just brought back a lot of tough stuff that I had thought I had dealt with. It made things – I don't walk through that park anymore and in fact, I find myself now, I don't really walk through any park at night anymore (EC#8).

I tried suicide. I almost died. I actually died three times. And they brought me back. That's what it did to me. It destroyed me. . . . (EC#4)

Also not surprising is the fact that these negative interactions reinforce hostility towards and distrust of the police:

A lot of the anger towards police that had been buried for a long time because I realized that in 21 years nothing has changed (EC#8).

Honestly, I'm terrified of the cops. If I hear a siren I go into panic mode. And I have to walk back my anxiety (EC#4).

As in other contexts, the negative outcomes of engaging with the criminal justice system can have far-reaching effects on participants' economic stability. Publicly identifying either victims or offenders can out people who would rather not have their sexual orientation known. And this can have serious consequences, as in the following case:

I lost my job as a [job title] and ultimately it was blabbed all over the papers that we were lesbians and our pictures were in the paper and no matter where I went to try and get a job I couldn't. I would try to get a job and they'd be like, what about your criminal record? Because she never had a criminal record or nothing before that and now she does (EC#4).

Of course, this is compounded by the labelling attached, not only to convicted criminals, but even to those who have been wrongfully accused:

So that's fine, I'm acquitted, but what about the rest of my life? My security clearance had been taken away. I could never work in my field again. I could never work for the government again. I went from \$80,000 approximately, to \$800 a month on CPP. And I will

never work again in my field. It has gotten so bad that anyone in, especially in [redacted], anyone who sees your profile and you have, even if you were acquitted, you're not working for them, you're not going to be accepted (CC#24).

Other serious legal issues

To ensure that participants were able to reflect on all possible kinds of serious legal issues, we asked them, "Are there any other areas in which you have encountered a serious dispute or problem?" All the participants experiencing such issues were from Eastern Canada, three of 17 (17 percent) total participants. No participants from Central Canada experienced any issues that fell outside the interview questionnaire's predetermined legal area categories. The areas that the Eastern Canada participants shared included a variety of experiences that incorporated mental health difficulties, interpersonal violence, sex work, and Indigenous identity.

The following participant experienced discrimination because their mental health difficulties and sexual orientation intersected. As a result of the anxiety they were experiencing, the participant asked for a leave of absence from work. Doing so amounted to coming out to their employer because they had to explain some of the mental health issues they were experiencing, and they were concerned about their employer's reaction. They had seen another colleague experience discrimination when they had come out as LGBTQ. As the participant puts it, "given that my employer has so little experience with LGBTQ people, given this one negative experience with this colleague of mine, I was concerned about being discriminated against" (EC#10).

The following participant believed he faced discrimination because of an incident involving interpersonal violence. The participant and another person had been binge drinking over a number of days and their behaviour escalated to the point of breaking an office window. A bystander had watched this happen and took it upon themselves to hold the participant down against their will until the police arrived. The participant elaborated on the aftermath of the incident, and the resultant concerns they had about the justice system's process. The participant was given a year of probation and had to turn to sex work to pay for the damages, noting, "I had done sex work in [the] past but it was like re-traumatizing myself. For something I had fucked up, but I don't know. The system is super broken (EC#13).

Finally, the following participant believed that they experienced discrimination because of their Indigenous identity, specifically in wanting to access an Indigenous centre and resources specific to their culture (Oneida), but did not have access to culturally-specific resources in the province where they were living at the time. They accessed [type of] centres in Nova Scotia, but identify as Oneida (within Ontario), and therefore felt they were missing out on their particular culture. They also noted a lack of resources for Indigenous people in general, suggesting that every time they try to find resources, it is difficult, or they are continually referred back to the Mi'kmaq centre. They stressed their concerns about resources for Indigenous people on the East Coast and acknowledge that there is no one from their Oneida culture to help them explore their Indigenous identity.

They continued to describe an interaction with the police, who were called because their partner was behaving badly. The participant became concerned because the responding officer was aggressive and made them feel uncomfortable in that "he was just extremely aggressive in his mannerism and he was trying to call my partner over the phone and saying things like, if I ever find you I'm going to kill you"

(EC#14). The participant noted that the police officer should have been there to help, but instead their behaviour became worrying. Ultimately no charges were laid against their partner.

Perceptions of the justice system

Few positive perceptions

One of the last questions we asked participants in the interview was “How would you characterize your perception of the Canadian justice system?” Of the 33 participants who chose to respond to that question, only four assessed the justice system positively. The most positive statement came from an Eastern Canada participant, who asserted:

I think my perception overall is still positive. I think we live in a country that champions equal rights for everyone. . . I still maintain that positive outlook because I’ve met a lot of people who are supportive and who champion that equal rights view as well and I think as the years go on we’re moving more towards that acceptance more and more (EC#11).

This reflects an experience in which the individual felt supported by the justice system, and in which they were fortunate to engage with progressive legal actors. Another participant acknowledges the privilege that allows some people to have the sorts of positive outcomes they hope for:

I have respect (for the system). I ran a very successful office, but I also had a human resources department in Toronto that I could pick up the phone, a legal department that I could pick up the phone, and I realized that I never ran the business on my own. I had backup. And I’m thankful for the lawyers and the human resources (CC#19).

Ambivalence

One participant’s perspective on Canadian legal processes was more ambivalent:

From a personal perspective I feel like I’m not – like I feel quite protected by the justice system personally and from a place of relative privilege. But from a general global Canadian citizen’s perspective, I feel like I guess mediocre to somewhere in the middle about our justice system. I certainly have concerns (EC#10).

This participant recognized that their own success was not something guaranteed for all, that their whiteness and their social class advantaged them over other less privileged 2SLGBTQI+ people. Half a dozen participants took a similarly equivocal stance on the system as a whole, acknowledging that it had some assets, but also barriers that limited their outcomes. For two participants, this had to do with the discrepancy between the laws on the books and the law in practice:

I think at the high, high level there’s some sort of protection for LGBTQ individuals, but I think implementing it at a more municipal, community level there’s not a lot of structure or information that’s given out so it’s kind of hard to pursue something (EC#11).

I think that the Canadian Justice System, when it has the opportunity to do its job, does it well. I mean I think that we’ve had a lot of pretty solid decisions from the courts on LGBT

issues but I think the justice system fails us in terms of access to justice and it fails us in terms of the damage awards and the penalties (CC#2).

For others, their ambivalence was grounded in seeing and experiencing both satisfactory and unsatisfactory outcomes:

Well it was mixed because the first one, I guess the first time there was no help at all. . . .The second one, the first advisor was not helpful at all. The second advisor was opposite, 100 percent reversal. So I guess it depends who you get (CC#21).

It didn't really impact my perception because even beforehand I had a very open minded perception of it because in some ways it had helped my family and in other ways it had screwed it over (EC#7).

One participant dealing with a sexual assault case shared their view that, while they appreciated some elements of their experience, they were less pleased with others. On the one hand, they felt like everyone involved seemed to believe their account of the attack. But, on the other hand, they continued, "I don't understand it to this day – that they could tell me not to speak about my story, even when I was able to give them an educated perspective about why, around my safety, that it was important for me to be able to tell" (CC#6).

A “broken” system

Unfortunately, negative, highly critical responses far outnumbered the positive and ambivalent responses. Among the most negative sentiments were comments like the following:

The system is totally broken. It's so gender-biased. It's very unfair. It's draining financially and emotionally (CC#5).

It has no humanity. It's lost its humanity. It has no humanity (CC#12).

It's literally toxic from the foundation up. I honestly don't feel like I have any faith in the Canadian justice system (EC#2).

Across both regions, there was a widespread sense that Canadian legal systems were “broken” and not to be trusted. Even those who might once have held more positive attitudes had lost their trust in it because of their own and their community's experiences. Their perceptions were “tarnished,” as one participant put it (EC#7). Speaking specifically about police, one participant described their shift in attitude:

For me the police were like the hero to protect if I was having a bad day, if I was having some homophobic, racist attack. . . . But after some experience with the police and some people who share with me their experience, I just stopped believing in the justice system and it's really oppressive for minorities (CC#17).

For others, the suspicion and distrust were longer lived:

I think it made me think a lot more about – so I knew coming into it that I felt pretty uncomfortable with police. I knew that my community were disproportionately struggling. I saw that among my friends and amongst the people that I found in the work that I did (CC#4).

For at least eight of the participants, their dissatisfaction was shaped by the failure they perceived of the system to recognize their sexual orientation and/or gender identity. They felt invisible, concerned that “the whole system has not been designed for survivors, for queer people, for trans people . . . it’s just not” (CC#1). Another was also very explicit in stating “The justice system really failed me. . . And that’s how I feel, to this day, that I’m invisible” (CC#9).

Similarly, another participant felt like, “Oh I just thought I don’t exist. Like people of my identity don’t exist to them. And if we do, it’s our fault” (CC#20). These participants felt that the justice system and its players lacked the capacity to comprehend the particular ways in which 2SLGBTQI+ people engage with the system, and the particular needs they may have in seeking “justice.”

Access to justice

Another barrier to participants’ inability to obtain satisfactory outcomes was accessibility – which has been noted elsewhere in this report. Here, too, we see the intersectional effects of sexual orientation and class, with the key concerns being the financial barriers to pursuing legal remedies, although those who were thought least likely to overcome these barriers varied. One participant thought it was middle-income earners who were caught in a Catch-22 situation:

There’s tons of supports for the rich because they can afford it. There’s tons of access to justice for low-income people, folks, family. There’s legal clinics all over the place. But what about those just above the financial eligibility threshold? . . . There’s a huge gap in access to justice (CC#12).

However, most felt that it was those in the lower-income brackets who struggled most with affordability. For example:

I think it’s an issue of access. Hugely an issue of access. . . I just kind of figured that if you couldn’t afford a lawyer you could get legal aid. Nope . . . If you’re embroiled in civil dispute, whether they’re custody and child support issues, whether it’s dealing with emergency protection orders, whether it’s dealing with wills and trusts (EC#3).

It was not simply legal representation that participants found challenging to access. Some also lamented what they saw as the lack of additional supports, especially for victims of crime:

And there’s no real – even victim services, they don’t really help. Like they’ll talk to you for a minute and then it’s like, okay, thanks, bye (CC#9).

I almost jumped that day. Like if the friend hadn’t met me right there, like come over and showed up. I wouldn’t be here. They don’t care how trauma impacts survivors. It’s very much well we’re following the law, who did it. It’s not holistic. It’s not healing. It’s not even about community (CC#1).

Suggestions for change

In light of participants' unfavourable attitudes towards the current legal system, it is no surprise that several offered suggestions for reform. One participant stated:

[T]he criminal justice system should no longer exist. I don't think that it plays a significant role in our society and I think that we should look for alternatives to the criminal justice system (CC#3).

They went on to assess other dimensions of the justice system that were "out of step," but more from a bureaucratic and technical point of view. For them:

[T]here are courts and tribunals that still have a purpose but those courts and tribunals and boards and commissions, they all need to be modernized, they all need to come into the 21st century . . . ultimately, the court system needs to utilize technology. It should be an after-thought. It should be more nimble and more willing for change (CC#3).

Although vague on specifics, other participants called for a more "expansive" or "varied" approach to legal issues (CC#4), perhaps using more informal, or restorative, mechanisms. One Two-Spirit participant noted the potential value of extending Gladue considerations beyond the criminal courts:

[B]oiled down [Gladue factors] are very specific impacts of colonization that have been identified in law basically. Those things need to be considered any time a person comes in conflict with the law, doesn't matter if it's criminal, doesn't matter if it's divorce, doesn't matter if it's custody or child welfare, doesn't matter if it's landlord/tenant, WSIB [Workplace Safety and Insurance Board], EI, human rights, all of it, every time (CC#12).

Participants were also eager to see additional forms of support available to them. From their perspectives, this could include Non-Government Organizations (NGOs) offering assistance, since "it would have been nice to have somebody in the court room assessing from that lens what was happening" (CC#6). It could also involve expanding existing structures such as victim support services. The most common suggestion, however, was to put more resources into "proper training, and more training" for existing justice personnel that would include enhanced awareness of and sensitivity to the unique experiences and needs of 2SLGBTQI+ people.

Finally, one participant noted that the criminal justice system did not meet their needs, given its emphasis on punitive responses and the apparent lack of treatment programs once offenders are incarcerated. They would prefer to see a more restorative approach, "Like I want to know that this person is sorry for what they did. I want to get that apology. And I want to know that it will never happen again. And can our justice system do that for me? Probably not" (CC#2).

Concluding thoughts

Participants in this study were frank and often brutal in assessing their experiences with legal issues, regardless of the field of law/justice with which they had engaged. A handful reflected positively on their engagement, typically in contexts where they felt that they had been "heard," regardless of whether their efforts to resolve their problems were successful. Their lawyers, or the judiciary they dealt with,

were empathetic and understanding about the complexity of their challenges. Far more common, however, were participants' difficulties at multiple points across the system. To some extent, some of the challenges faced by the 2SLGBTQI+ participants are common regardless of the identity of the parties involved. Accessibility, for example, is a commonly recognized challenge. It is reflected in high costs and long delays, along with limited public awareness of legal processes and supports (Jenkins 2017). However, even these problems are exacerbated when 2SLGBTQI+ individuals interact with the justice system.

Many members of the 2SLGBTQI+ community are economically marginalized, due, in part, to the kinds of workplace discrimination noted in this report. Many of our participants perceived the legal system as impenetrable. They could not access it because they could not afford it and long delays meant it took too much time. This was magnified by a common feeling that, as 2SLGBTQI+ people, they were "invisible." They saw the justice system's apparent lack of comfort and familiarity with 2SLGBTQI+ identities, and the specificity of 2SLGBTQI+ experiences as a barrier to effective services and supports within the system. Again, the difficulties are compounded by participants' intersecting identities. Frequently, it was not just their sexuality, but also their other identities – their race and/or ethnicity and/or their disability and/or their gender identity – that factored into both the legal problem they faced and the difficulties they faced in resolving it.

Notably, many participants expressed particular discomfort with, in fact distrust of, the criminal justice system. They often felt like the justice system did not take seriously their experiences of violence – at the hands of strangers and intimate partners – and that it denied or trivialized their victimization. For many, their past experience made them reluctant to engage with the criminal justice process for fear that they would be dismissed, or, worse, be targets of bias and hostility from police.

In short, the message that permeated the interviews was that the system was "broken." The lack of support, the difficulties of access, and participants' perception that the system was not sensitive to the ways in which sexuality shaped the experiences of 2SLGBTQI+ communities left them feeling excluded from pursuing justice. Yet participants also shared their thoughts on how to overcome these limitations, largely through both public and practitioner education and awareness, but also through expanded supports and services at all levels of engagement.

Bibliography

- Ard, K. L. & Makadon, H.J. (2011). Addressing intimate partner violence in lesbian, gay, bisexual, and transgender patients. *Journal of General Internal Medicine*, 26(8), 930–33.
- Aulivola, M. (2004). Outing domestic violence: Affording appropriate protections to gay and lesbian victims. *Family Court Law Review*, 42, 162–177.
- Bauermeister, J. A., Meanley, S., Hickok, A., Pingel, E., Van Hemert, W., & Loveluck, J. (2013). Sexuality-related work discrimination and its association with the health of sexual minority emerging and young adult men in the Detroit metro area. *Sexuality Research and Social Policy*, 11(1), 1–10.
- Baumle, A. K. (2018a). Legal counseling and the marriage decision: The impact of same-sex marriage on family law practice. *Family Relations*, 67, 192–206.
- Baumle, A. K. (2018b). LGBT family lawyers and same-sex marriage recognition: How legal change shapes professional identity and practice. *Journal of Homosexuality*, 65(14), 2053–2057.
- Biblarz, T., & Savci, E. (2010). Lesbian, gay, bisexual, and transgender families. *Journal of Marriage and Family*, 72, 480–497.
- Bell, J. G., & Perry, B. (2015). Outside looking in: The community impacts of anti-lesbian, gay, and bisexual hate crime. *Journal of Homosexuality*, 62(1), 98–120.
- Bosley, R., & Asbridge, C. (2012). Ensuring the safety of LGBT youths in the juvenile justice system. *Corrections Today*, 74(4), 100.
- Broussard, K. A., & Warner, R. H. (2018). Gender nonconformity is perceived differently for cisgender and transgender targets. *Sex Roles*, 80, 409–428.
- Brown, J. A., & Jenness, V. (2020). LGBT people in prison: Management strategies, human rights violations, and political mobilization. *Criminology and Criminal Justice*, 1–25.
- Calton, J. M., Bennett Cattaneo, L., & Gebhard, K. T. (2015). Barriers to help seeking for lesbian, gay, bisexual, transgender, and queer survivors of intimate partner violence. *Trauma, Violence, and Abuse*. <https://doi.org/10.1177/1524838015585318>.
- Chase, B. (1994). Consumer loyalty fierce among gays. *De Moines Business Record*, 90(32), 1–9.
- Clair, J., Beatty, J., & Maclean, T. (2005). Out of sight but not out of mind: Managing invisible social identities in the workplace. *Academy of Management Review*, 30, 78–95.
- Cohn, D. (2013). *Supreme court's ruling on same-sex marriage will likely impact immigration, too*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2013/06/26/supreme-courts-ruling-on-same-sex-marriage-will-likely-impact-immigration-too/>.
- Colvin, R. (2014). Policing the lesbian and gay community: The perceptions of lesbian and gay police officers. In Peterson, D., & Panfil, V. R. (Eds.), *Handbook of LGBT Communities, Crime, and Justice* (pp. 183–205). Springer.
- Crawford, A. (2009). Criminalizing sociability through anti-social behaviour legislation: Dispersal powers, young people and the police. *Youth Justice*, 9(1), 5–26.

- Cukier, W. & Daniel, L. (2015). *The 360 Project: Addressing racism in Toronto. Addressing the discrimination experienced by Somali Canadians. Radicalized LGBTQ homeless youth in Toronto*. Toronto, ON.
- Dessel, A. B., Goodman, K. D., & Woodford, M. R. (2017). LGBT discrimination on campus and heterosexual bystanders: Understanding interventions to intervene. *Journal of Diversity in Higher Education*, 10(2), 101–116.
- Dwyer, A. (2011). 'It's not like we're going to jump them': How transgressing heteronormativity shapes police interactions with LGBT young people. *Youth Justice*, 11(3), 203–220.
- Fershee, K. H. (2014). The prima facie parent: Implementing a simple, fair, and efficient standing test in courts considering custody disputes by unmarried gay or lesbian parents. *Family Law Quarterly*, 48(3), 435–469.
- Gartrell, N., & Bos, H. (2010). U.S. national longitudinal lesbian family study: Psychological adjustment of 17-year-old adolescents. *Pediatrics*, 126, 28–36.
- Goldberg, A. E. (2010). *Lesbian and gay parents and their children: Research on the family life cycle*. American Psychological Association.
- Golombok, S., Mellish, L., Jennings, S., Casey, P., Tasker, F., & Lamb, M. E. (2013). Adoptive gay father families: Parent-child relationships and children's psychological adjustment. *Child Development*, 85(2), 456–468.
- Green, A. I. (2010). Queer unions: Same-sex spouses marrying tradition and innovation. *Canadian Journal of Sociology*, 35(3), 399–436.
- Hall, S. & Sajani, R. (2015). *Mental health challenges for LGBT asylum seekers in Canada*. The Ontario Council of Agencies Serving Immigrants and Rainbow Health Ontario. <https://www.rainbowhealthontario.ca/wp-content/uploads/2015/01/Envisioning-Mental-Health-Sheet.pdf>.
- Haney-Caron, E., & Heilbrun, K. (2014). Lesbian and gay parents and determination of child custody: The changing legal landscape and implications for policy and practice. *Psychology of Sexual Orientation and Gender Diversity*, 1(1), 19–29.
- Hatzenbuehler, M. L. (2010). The impact of institutional discrimination on psychiatric disorders in lesbian, gay, and bisexual populations: A prospective study. *American Journal of Public Health*, 100(3), 452–459.
- Herek, G. M., Cogan, J. C., & Gillis, J. R. (2002). Victim experiences in hate crimes based on sexual orientation. *Journal of Social Issues*, 58(2), 319–339.
- Hoy, A. (2018). Invisibility, illegibility, and stigma: The citizenship experiences of divorced gays and lesbians. *Journal of Divorce & Remarriage*, 59(2), 69–91.
- HRC. (2020, April 15). *State maps of laws & policies*. HRC. <https://www.hrc.org/resources/state-maps>.
- Hur, H. (2020). The role of inclusive work environment practices in promoting LGBT employee job satisfaction and commitment. *Public Money & Management*, 40(6), 426–436.

- Jenkins, M. (2017). *Access to justice: The great gap in Canada's justice system*. Edmonton: Edmonton Social Planning Council.
- Jenness, V. (2010). From policy to prisoners to people: A “soft mixed methods” approach to studying transgender prisoners. *Journal of Contemporary Ethnography*, 39(5), 517–553
- Jenness, V. (2014). Pesticides, prisoners, and policy: Complexity and praxis in research on transgender prisoners and beyond. *Sociological Perspectives*, 57(1), 6–26.
- Johnston, T. R., & Meyer, H. (2017). LGBT-specific housing in the USA. *Housing, Care and Support*, 20(3), 121–127.
- Kohn, S. (2001). Greasing the wheel: How the criminal justice system hurts gay, lesbian, bisexual and transgendered people and why hate crime laws won't save them. *Review of Law & Social Change*, 27(2), 257–280.
- Leinen, S. (1993). *Gay cops*. Rutgers University Press.
- Lewis, R. (2010). Lesbians under surveillance: Same-sex immigration reform, gay rights, and the problem of queer liberalism. *Social Justice*, 37(1), 90–106.
- Lloren, A., & Parini, L. (2017). How LGBT-supportive workplace policies shape the experience of lesbian, gay men, and bisexual employees. *Sexuality Research and Social Policy*, 14, 289–299.
- Lyon, K. A., & Frohard-Dourlent, H. (2015). “Let's talk about the institution”: Same-sex common-law partners negotiating marriage equality and relationship legitimacy. *Canadian Sociological Association/La Societe Canadienne de sociologie*, 52(4), 402–428.
- Maschi, T., Rees, J., & Klein, E. (2016). “Coming out” of prison: An exploratory study of LGBT elders in the criminal justice system. *Journal of Homosexuality*, 63(9), 1277–1259.
- McIntyre, D. (1994). Gay parents and child custody: A struggle under the legal system. *Mediation Quarterly*, 12(2), 135–149.
- Meyer, I. H. (1995). Minority stress and mental health in gay men. *Journal of Health and Social Behavior*, 36(1), 38–56.
- Myers, K., Forest, K., & Miller, S. (2004). Officer friendly and the tough cop: Gays and lesbians navigate homophobia and policing. *Journal of Homosexuality*, 47(1), 17–37.
- Nadal, K. L., Quintanilla, A., Goswick, A., & Striken, J. (2015). Lesbian, gay, bisexual, and queer people's perceptions of the criminal justice system: Implications for social services. *Journal of Gay & Lesbian Social Services*, 27(4), 457–481.
- Ng, E. S. W., Schweitzer, L., & Lyons, S. T. (2012). Anticipated discrimination and a career choice in nonprofit: A study of early career lesbian, gay, bisexual, transgendered (LGBT) job seekers. *Review of Public Personnel Administration*, 32(4), 332–352.
- Ng, E. S., & Rumens, N. (2017). Diversity and inclusion for LGBT workers: Current issues and new horizons for research. *Canadian Journal of Administrative Sciences*, 34, 109–120.
- Noga-Styron, K. E., Reasons, C. E., & Peacock, D. (2012). The last acceptable prejudice: An overview of LGBT social and criminal injustice issues within the USA. *Contemporary Justice Review*, 15(4), 269–398.

- Oakenfull, G. W. (2013). What matters: Factors influencing gay consumers' evaluations of "gay-friendly" corporate activities. *Journal of Public Policy & Marketing*, 32, 79–89.
- Pennington, J., & Knight, T. (2011). Through the lens of hetero-normative assumptions: Re-thinking attitudes towards gay parenting. *Culture, Health & Sexuality*, 13(1), 59–72.
- Perry, B. (2001). *In the name of hate: Understanding hate crimes*. Routledge.
- Perry, B. (2011). Identity and hate crime on Canadian campuses. *Race and Justice*, 1(4), 321–340.
- Piwowarczyk, L., Fernandez, P., & Sharma, A. (2016). Seeking asylum: Challenges faced by the LGB community. *Journal of Immigrant & Minority Health*, 19, 723–732.
- Riggle, E. D. B., Rostosky, S. S., Prather, R. A., & Hamrin, R. (2005). The execution of legal documents by sexual minority individuals. *Psychology, Public Policy, and Law*, 11(1), 138–163.
- Ro, H. & Olsen, E. D. (2014). The effects of social justice and stigma-consciousness on gay customers' service recovery evaluation. *Journal of Business Research*, 67, 1162–1169.
- Ro, H. & Olsen, E. D. (2020). Gay and lesbian customers' perceived discrimination and identity management. *International Journal of Hospitality Management*, 84, 1–9.
- Rose, H. A. (2011). Canada's same-sex marriage law: Exception to or exemplar of Canada's family policy? *Journal of Child and Family Studies*, 21, 88–94.
- Rosenbaum, M. S., Russell, E. M., & Russell-Bennet, R. (2017). "I'll wait for him": Understanding when female shoppers prefer working with gay male sales associates. *Journal of Retailing and Consumer Services*, 36, 172–179.
- Ross, L. E., Epstein, R., Anderson, S., & Eady, A. (2009). Policy, practice and personal narratives: Experiences of LGBTQ people with adoption in Ontario, Canada. *Adoption Quarterly*, 12, 272–293. <https://www.doi.org/10.1080/10926750903313302>.
- Ross, L. E., Ross, M. F., Daley, A., Steele, L. S., & Williams, C. C. (2018). In spite of the system: A qualitatively-driven mixed methods analysis of the mental health services experiences of LGBTQ people living in poverty in Ontario, Canada. *PLOS One*, 13(8), 1–23.
- Rudd, N. A. (1996). Appearance and self-presentation research in gay consumer cultures: Issues and impact. *Journal of Homosexuality*, 31(1/2), 109–134.
- Russell, G. M., & Richards, J. (2003). Stressor and resilience factors for lesbians, gay men, and bisexuals confronting antigay politics. *American Journal of Community Psychology*, 31(3–4), 313–28.
- Sadler, J. (2008). Implementing the youth "anti-social behaviour" agenda: Policing the Ashton Estate. *Youth Justice*, 8(1), 57–73.
- Sexton, L., & James, V. (2016). "We're like community": Collective identity and collective efficacy among transgender women in prisons for me. *Punishment & Society*, 18(5), 544–577.
- Smith, B. (2002). Homophobia and the halls of justice. *American University Journal of Gender, Social Policy & the Law*, 11, 101–115.

- Snapp, S. D., Watson, R. J., Russell, S. T., Diaz, R. M., & Ryan, C. (2015). Social support networks for LGBT young adults: Low cost strategies for positive adjustment. *Family Relations*, 64, 420–430.
- Stotzer, R. (2014). Bias crimes based on sexual orientation and gender identity: Global prevalence, impacts, and causes. In Peterson, D., & Panfil, V. R. (Eds.), *Handbook of LGBT Communities, Crime, and Justice* (pp. 45–64). Springer.
- Sullivan, K. M. (2014a). Acceptance in the domestic environment: The experience of senior housing for lesbian, gay, bisexual, and transgender seniors. *Journal of Gerontological Social Work*, 57(2–4), 235–250.
- Sullivan, K. M. (2014b). Acceptance is key in affinity housing for LGBT elders. *Aging Today*, 35(3), 8–10.
- Tilcsik, A., Anteby, M., Knight, C.R., 2015. Concealable stigma and occupational segregation: Toward a theory of gay and lesbian occupations. *Administrative Science Quarterly*, 60(3), 446–481.
- Topel, K. D. (2017). “So, what should I ask him to prove that he’s gay?”: How sincerity, and not stereotype, should dictate the outcome of an LGB asylum claim in the United States. *Iowa Law Review*, 102, 2357–2384.
- Weeks, J. (1985). *Sexuality and its discontents: Meanings, myths, and modern sexuality*. Routledge.
- Woods, J. B. (2014). “Queering criminology”: Overview of the state in the field. In Peterson, D., & Panfil, V. R. (Eds.), *Handbook of LGBT Communities, Crime, and Justice* (pp. 15–41). Springer.

Appendix 1 - Demographics of participants

Demographics	Central Canada	Eastern Canada
Language spoken most		
English	22	15
French	1	0
Bilingual	2	1
Sex assigned at birth		
Female	10	9
Male	15	7
Gender		
Non-binary	3	2
Trans	3	0
Gender Fluid	0	1
Two-spirit	1	1
Woman	6	6
Man	11	6
Sexual orientation		
Queer	4	2
Homosexual	1	0
Gay	8	2
Lesbian	4	6
Bisexual	2	3
Pansexual	2	2
Income		
<\$20,000	11	4
\$20,001–\$40,000	7	4
\$40,001–\$65,000	2	4

>\$65,000	5	3
Employment status		
Unemployed	4	4
Student	1	0
Self-employed	4	2
Contract work	1	2
Retired	1	1
Full-time	8	4
Part-time	1	1
Highest educational attainment		
High school	4	6
Diploma/Associate's degree	11	0
Some university		1
Bachelor's degree	10	5
Graduate degree	2	2
Indigenous/Métis		
Yes	8	1
No	17	15
Cultural identification		
White/European	5	11
Newfoundlander		2
Middle-Eastern	1	0
Latino	1	0
Mixed race/ethnicity	7	0
Asian	0	1
French Canadian	0	1
Disability		

No	10	3
Yes – physical disability	9	4
Yes – mental illness	7	12
Yes – cognitive disability	10	1

Note – Not all participants responded to the questions or could select more than one response. Totals may not add up to 25 participants for Central Canada, nor 17 for Eastern Canada.