

TO: Council

FROM: Registration Committee

DATE: February 25, 2020

SUBJECT: 6.0 By-Law Amendment with respect to Gender Information on the Public Register

☒ For Decision ☐ For Information ☐ Monitoring Report

Purpose:

To review a proposed by-law amendment that would remove the requirement to post gender identification collected from the members on the public register.

Background:

The College of Opticians of Ontario (the “College”) members currently have an option to select male ‘M’, female ‘F’, or ‘X’, which includes trans, non-binary, and two-spirit individuals, as well as those who do not wish to disclose their gender identity. This practice is consistent with the provincial policy on collecting, using, retaining and displaying sex and gender information, as well as the Ontario Human Right Commission’s best practices for collecting data on sex and gender.

The College’s rationale for posting gender on the public register is to allow the public to select opticianry services based on the gender of the practitioner. However, a concern has been raised around possible discrimination of an optician based on their gender if gender information is publicly available.

Legislation:

- Article 15.6 of the College’s by-laws currently require collection of gender information for the public register. While it is not a legislative requirement that Colleges post information about gender on their public registers, the collection of personal information by the College is required for the purpose of the Ministry of Health human resources planning or research.

For Consideration:

In its current registration practices pertaining to collection of gender information, the College aims to balance the following objectives:

- supporting the collection of accurate gender data for government operations, analysis and evidence-based decision-making;
- protecting the personal information of individuals;

- promoting the respect, inclusion and personal safety of transgender, non-binary and two-spirit individuals.

In November 2019, the Registration Committee sought feedback from the Citizen Advisory Group (CAG) on whether the College should continue to post gender information on the public register and if the disclosure of gender protects the public. The CAG was also asked to share their thoughts on how the disclosure of gender intersects with the rights of health care professionals to not have their gender information displayed.

The CAG recommended that the College no longer displays gender on its public register. It was further recommended that the College direct inquiries about a member's gender to the optician's place of employment listed on the public register. The Committee accepted the CAG recommendations.

A proposed amendment to the by-laws with respect to posting gender identification collected from the registrants on the public register is attached for Council's consideration. Under the Health Professions Procedural Code, amendments to by-laws pertaining to information posted on the public register must be circulated for stakeholder feedback.

Recommendations/Action Required:

That the Council approve the proposed amendment to by-law article 15(6)(i) for circulating for stakeholder feedback, as recommended by the Registration Committee.

PROPOSED BY-LAW AMENDMENTS

FEBRUARY 2020

Current Language	Proposed Language	Explanation/Rationale
ARTICLE 15: THE REGISTER		
15.6 Other Information in the Register		
In these by-laws, In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Member: (i) The Member's gender and registration number;	In these by-laws, In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Member: (i) The Member's gender and registration number;	Amended to reflect Committee's recommendation