



actually...

“ Under Bill C-16, I could be charged with a hate crime if I get someone’s pronoun wrong! ”

Unless you’ve also committed a crime like assault or vandalism while intentionally calling someone the wrong pronoun, a mistake can’t send you to jail. So keep on not doing those things and you should be fine.

explanation

Bill C-16 adds “gender identity” and “gender expression” to the hate crimes provisions of the Criminal Code (sections 318 – advocating genocide, and 319 – public incitement of hatred). These provisions already set out identifiable groups based on things like national or ethnic origin, sexual orientation, and mental or physical disability. They are rarely used and are carefully written to only apply in extreme cases, like where someone calls for the destruction of an entire group. The third provision changed by Bill C-16 (section 718.2) only applies when someone is being sentenced; it instructs judges to treat hate-motivation as a factor that may lead to a more severe sentence for an offence like assault or vandalism. Even with Bill C-16’s changes, you can’t be ‘charged with a hate crime’ just for using the wrong pronoun.