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May 26, 2026

VIA EMAIL: 

South East Cornerstone Public School Division  
c/o Shelley Sargent, Superintendent



Dear Madam:

**Re: Safety and privacy in Lampman School washrooms and subsection 12(2) of the *Saskatchewan Human Rights Code, 2018***

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### **BACKGROUND**

We write on behalf of our client, Ms. Tawney Johnson, a concerned resident of Lampman, and parent of a child who attends Lampman School (the “**School**”). The School is part of the South East Cornerstone Public School Division.

We understand that a 17-year-old biological male transgender student who attends the school has been using the multi-stall female washroom that is used by female students as young as 12 years old. The School permitted this individual to have exclusive use of the single-stall washroom, but this biological male transgender student has insisted upon using the multi-stall female washroom.

We have been informed that this situation has caused many of the female students at the School to feel uncomfortable using the washroom, even to the extent of not using the washroom for the entire school day to avoid potential encounters with this biological male student in the female washroom.

As a result of this situation, female students have expressed feeling unsafe, uncomfortable, and that their privacy has been violated. Direct quotations from several of these female students are included in the attached “Student Impact Statement.”

Reproduced below are just a few of the quotes of some of the traumatized female students:

“The girls’ washroom is supposed to be a place of safety and privacy, now many girls avoid the washroom to avoid this person and that uncomfortableness and such that comes along by just walking past them.”

Age: 17

“My safe environment for learning has been turned upside down, and I no longer feel safe, and it is hard to mentally process what we are supposed to be okay with.” Age: 16

“I am 100% not okay with the situation...If this is what it is coming to, I will be leaving the school grounds just to use the washroom- which will impact my education. On top of what this is doing to my mental health.” Age:16

“I do not feel safe going into the bathroom alone because I don’t know what might happen and am constantly on guard. I no longer use the public washroom so I stay safe.” Age:14

“I feel scared that [omitted] is in there and could try looking over the stalls. This has now caused me trauma and have lost trust in my school.” Age: 13

Parents of female students at the School have also expressed concerns that the biological male transgender student’s reported behaviours compromise their daughters’ right to privacy, safety, and dignity while at school, and have negatively impacted their daughters’ mental health. Reproduced below are two quotes from parents of girls at the School:

“Allowing this student to use the girl’s bathroom is having a major effect on the mental health and well-being of not only my daughter’s but of all the girls attending this school.”

“As parents, we are deeply concerned that these reported behaviours are compromising our children’s right to privacy, safety, and dignity while at school. Students should not feel fearful or unsafe when attending classes or using school facilities, including washrooms.”

We are also aware that there are several staff members at the School who are similarly very concerned about this situation, but believe that if they publicly voice those concerns, their employment could be in jeopardy.

Ms. Johnson has written a letter exposing this issue to MLA Darryl Harrison, Minister of Education Everett Hindley, Minister of Justice Tim McLeod, Premier Scott Moe, Minister of the Status of Women Alana Ross, and the Law Reform Commission of Saskatchewan. She attached the “Student Impact Statement” to her letter. We have attached her letter and the Student Impact Statement for your information.

### **THE LEGISLATION AND CASELAW SUPPORT SEX-SEGREGATED WASHROOMS IN PUBLIC PLACES ON THE GROUND OF PUBLIC DECENCY**

We write to inform you about relevant provisions in the *Saskatchewan Human Rights Code, 2018* (the “Code”) that enable you to appropriately protect the safety and privacy of girls by upholding female-only school washrooms. The relevant portion of section 12 of the Code states:

#### **Discrimination in accommodation, service or facility prohibited**

**12(1)** No person, directly or indirectly, alone or with another or by the interposition of another, shall, on the basis of a prohibited ground:

- (a) deny to a person or class of persons any accommodation, service or facility to which the public is customarily admitted or that is offered to the public; or
- (b) discriminate against a person or class of persons with respect to any accommodation, service or facility to which the public is customarily admitted or that is offered to the public.

(2) Subsection (1) **does not apply to prevent the barring of any person on the basis of that person’s sex from any accommodation, service or facility on the ground of public decency.** [Emphasis added]

It is our view that under subsection 12(2) of the *Code*, schools in Saskatchewan can lawfully maintain sex-segregated washroom facilities on the grounds of public decency. It is indecent to permit female students to be exposed to biological male genitals, and to permit an environment where a biological male student could encounter and see female students in a state of undress. This is, and should be, common sense. If an excluded individual were to file a human rights claim, it is our view that subsection 12(2) would serve as a legal defence for such exclusion.

In that regard, we refer you to the *North Central Health District Board v. S.E.I.U., Local 333* case, where the Saskatchewan Human Rights Board of Inquiry interpreted the meaning of subsection 12(2). It stated:

This subsection insulates from the general prohibition on sex discrimination those places in which people may undress or engage in bodily functions, such as single-sex washrooms, change houses, locker rooms and saunas. It gives effect to the widespread preference for single-sex facilities or services. **It recognizes that most people, most of the time, prefer to perform bodily functions or change clothing in rooms shared only with members of their own sex.**<sup>1</sup> [Emphasis added]

### **SCHOOLS HAVE A DUTY TO RESPECT THE *CHARTER* AND ENSURE THE SAFETY OF ALL STUDENTS**

It is our position that your failure to ensure girls' washrooms are safe and exclusively for female students is a violation of these students' sections 7, 8, and 15 *Charter*-protected rights, namely their rights to security of the person, privacy, and equality.

Exposing female students to mental distress, physical harm from fear-induced inability to use the washroom, invasions of privacy, and discriminatory treatment due to females' historical disadvantage, to accommodate the desire of one biological male transgender student, is disproportionate and a violation of the female students' *Charter* rights.

Female students' rights do not disappear simply because a biological male transgender student wants to use the girls' washroom.

Ignoring girls' feelings and rights is causing immense harm.

You have an obligation to provide a safe environment for your female students.

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<sup>1</sup> *North Central Health District Board v. S.E.I.U., Local 333*, 1995 CarswellSask 837, 28 C.H.R.R. D/61, 96 C.L.L.C. 230-003, at para. 20. The decision in this case was later upheld by the Saskatchewan Court of Queen's Bench in *North Central Health District Board v. S.E.I.U., Local 333*, 1997 CarswellSask 24, [1997] S.J. No. 20, 151 Sask. R. 264.

**CONCLUSION**

We urge you to immediately implement policies pursuant to subsection 12(2) of the *Code* that exclude biological male students from female washrooms and protect female students' sections 7, 8, and 15 *Charter* rights.

A failure to rectify this situation by adequately protecting female students' privacy, safety, and dignity in school washroom facilities may result in legal action.

We look forward to hearing from you.

Yours sincerely,

**PEJOVIC LAW**



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Senior Counsel

Encl.

cc: Lampman School, c/o Cori Howe, Principal  
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South East Cornerstone Public School Division  
Audrey Trombley, Chair, Board of Education  
[REDACTED]