

## GUIDE to the BCCLA Citizenship Handbook

### Chapter 4: Protecting Your Rights

The B. C. government has proposed amendments to the *BC Human Rights Code* that could significantly change human rights procedures in B. C. To get an update on these amendments, check the B. C. government web page at [www.gov.bc.ca](http://www.gov.bc.ca) and search for Human Rights Code. June, 2002.

Chapter 4 talks about the various Canadian laws and public agencies that protect citizens' rights. Many new citizens will have heard about the *Charter of Rights and Freedoms* and human rights laws, but they will not know as much about the *Criminal Code*, the Ombudsman's office, or the laws

that protect a citizen's privacy. Yet these laws and offices also protect certain rights of citizens and provide us with remedies when those rights are violated. Besides highlighting traditional human rights agencies and the *Charter*, this chapter introduces some of the less familiar laws and officials. This will make participants aware of other avenues for assistance when human rights agencies or courts are not suitable places to resolve particular problems. In the activities, group members analyze practical human rights problems, learn what goes on in the courtroom of a criminal trial, and assign complaints to appropriate helping agencies.

#### Activity 4.0

**Materials:** Make copies of Handout 4.0 for everyone.

**Immigrant Settlement Groups:** Translate the Goals handout into the home language of your group, make copies, and hand them out.

If you are using a translated version of *The Citizenship Handbook*, follow the activities described in the column to the right (this page).

Otherwise, review the goals with your group members so that they will know what's coming up in their next few meetings.

#### Goals

**Activity Overview and Directions:** The Goals handout for each chapter introduces your students or group members to the issues they will focus on and learn about during their work on the chapter. Encourage them to browse through the new chapter in *The Citizenship Handbook*, noting any language or issues that they want explained or find particularly interesting. Ask them to make a note of these things so that they can refer to them when you work on relevant sections of the chapter.

If possible, make photocopies of the Goals handout on heavier than usual paper - perhaps 'card' stock if it is available. As you finish each chapter, attach all related handouts together, with the Goals handout on the front. Staple them or put them in a folder or binder. This gives your students or group members a handy way to save, and to review, the material from each chapter.

## Activity 4.1

**Materials:** Make copies of Handout 4.1A and pictures 4.1B and 4.1C for each small group.

**Immigrant Settlement Groups:** Translate Handout 4.1A and make copies of it and the pictures for the role-playing groups. Carry on as described in Activity Directions, this page, right column.

Remember that sometime after September 2002, amendments to the BC Human Rights Code may change the agency or the procedures for dealing with human rights protections in B. C. Check on these possible changes at [www.gov.bc.ca](http://www.gov.bc.ca), and search for Human Rights Code.

If you want to give your class or group more insight into human rights laws, invite a staff member from the B. C. Human Rights Commission (or equivalent agency) or the Canadian Human Rights Commission to visit one of your classes or group meetings. Let the staff member know what you have covered so that s/he can tailor the presentation to your particular group or class. Also, collect material from these agencies to give to your participants to supplement your own work.

## Introduction

### Role-Play about Rights

**Activity Overview:** In this activity, participants role-play the problems presented in two pictures, and the solutions they think would be useful. The aim of the role-play is to get people thinking about solutions for discriminatory actions, including vandalism. Talking about the role-play situations leads naturally into a discussion of what to do when such a situation arises.

### Activity Directions:

- Divide your participants into small groups, with anywhere from 3 to 6 people in a group. Give some groups Picture 4.1B with Handout 4.1A; give other groups Picture 4.1C and the same handout.
- Ask them to study their picture and to create a role-play that demonstrates the problem in the picture, and a possible solution to that problem. In their role-play, they can add people to those in the picture and cover events before the pictured scene, as well as depict a solution. They can also create procedures or laws they think would be useful in the situation.
- After about 10 minutes, call them back together. Ask them to watch the role-plays critically and to consider especially whether the solutions acted out are practical.
- Complete the role-plays for Picture 4.1B. Compliment the players and discuss the solutions with the whole group.
- Make use of the discussion suggestions on the following pages whenever you think they make the discussion more accurate, more interesting or more practical.

## Activity 4.1 Role-Plays about Rights (continued)

Picture 4.1B: Discussion Suggestions:

In this picture, a man in a wheelchair approaches a business to submit a job application or to apply in person for a job. When the employers (or managers, etc) see the man approaching, they put the 'closed' sign on the door and try to avoid talking to him.

1. Discuss what kind of business this might be, and whether that makes any difference to what is happening. For example - is this an employment agency? an insurance office? a clothing store? a restaurant? Does it matter? [No.]

Taking suggestions from your students, list jobs in these businesses that a person can do in a wheelchair (e.g. cashier, kitchen staff, secretary, salesperson, accountant, manager, tailor, computer programmer, and so on).

Talk about the physical set-up of the workplace. Point out that some offices and buildings are not built to accommodate a person in a wheelchair. What can be done to buildings like this? If modifying the workplace presents little problem for the business involved, refusing to make necessary changes is probably an act of discrimination. In other cases, the expense and disruption of physical changes to the workplace might be too great a burden to place on the business owner. Each case will depend on its particular circumstances.

2. What appears to be the attitudes of these employers?

The picture implies that they do not want to interview this person. They have put a 'closed' sign on the door, and seem to be trying to hide from him.

3. Discuss why these employers might not want to interview or hire this man?

They may think that he cannot do the job properly because he is in a wheelchair. But the law in BC does not let them make a hiring decision based on *what they think*. They must find out *what the job applicant can do*.

If the job requires the ability to climb a ladder and he cannot do that, then the employers may have a reason not to hire him. But if the employer needs to hire a *cashier*, and just wants to have an extra person around who can use a ladder, then the situation is different.

Climbing a ladder - or another physical requirement - *must be necessary for doing the job* before an employer can use it as a basis for hiring or not hiring someone.

4. What would you do to help this man?

If the role-plays do not include some reference to laws and agencies that fight discrimination, then bring these up in the discussion. Be sure to mention that the B.C. government is planning changes to the Human Rights Act. They will learn more about these laws in other activities. Whom did they show helping the man? They could have shown assistance coming from friends, a religious leader, or staff at community centers or immigrant service centers, for example. These people can help someone find information and approach agencies that deal with discrimination. And most of them will probably offer personal support as well.

## Activity 4.1 Role-plays about Rights (continued)

5. What remedies might be useful to someone discriminated against when job hunting ?

Get suggestions from the participants. Here are some possibilities: a letter of apology; a job interview at his convenience as soon as possible; money to cover his expenses for having to come back another time for the interview and to compensate for his hurt feelings; and/or human rights training for the employers.

*In real life in B. C., someone concerned about unfair discrimination should contact either the B. C. Human Rights Commission (or the equivalent agency if proposed government changes eliminate the Commission), or the Canadian Human Rights Commission. These agencies investigate and try to resolve discrimination complaints in the areas of employment, housing and using public services. You can find basic information about them in the Citizenship Handbook on pages 66 and 67.*

### Picture 4.1C Discussion Suggestions

In this picture, a family of East Asian origin is at home in the early evening. As they watch television, they are not aware of danger approaching. They are shocked when a rock crashes through their window and they see someone running away from the house.

The major question raised by this situation is whether the family members will call the police. What are the issues surrounding this question?

Citizens have a duty to report crimes to the police. But deciding to call and report a crime is not always an easy decision. A family in this situation might have several reasons to be uneasy, and even frightened about calling the police.

In the column to the right, starting with (a), we list some reasons why families in similar circumstances might not want to call the police. Then we suggest some responses to help persuade the family to call the police despite their initial reluctance. Use these suggestions to stimulate discussion in your classes and group meetings.

(a) Family members may be afraid the vandals will find out who told the police and will then return, or send their friends, to do more damage.

(See a related discussion in Chapter 1, on page 13.)

If family members have reason to be concerned about retaliation from vandals or other wrong-doers, they should tell this to the police when they report a crime. They have the right to expect the police to take their fears seriously. At the very least, the police can talk with the family, discuss their fears, suggest ways to increase their home and personal safety, and assure them of prompt police response if another incident occurs. Suggestions for more serious protective measures would depend on the nature of the threat to the family.

## Activity 4.1 Role-Plays about Rights (continued)

(b) Perhaps a police officer was rude and unhelpful to the family when they reported an earlier incident of damage to their car.

Try to get them to report this new incident and to keep track of what happens. If the police continue to be rude and unhelpful, the family should make a formal complaint, using the procedures set up for complaints in the *B. C. Police Act* or the *R.C.M.P. Act*. If they have questions about making a complaint, the BC Civil Liberties Association can help them.

Not everyone is going to be willing to make such a complaint. Perhaps they are afraid the police may retaliate, or they think no one will take them seriously. However, any retaliation by the police is itself grounds for a complaint. By law the police are forbidden from intimidating or retaliating against someone who has made a complaint. As well, police in Canada are supposed to take complaints seriously. Most of them do.

Newcomers to Canada may be more comfortable making a police complaint if they have help from an organization serving their cultural community, or from the B. C. Civil Liberties Association. (See Chapter 6, Activity 6.9, for more information about police complaints.)

(c) In the country the family came from, the police may have been corrupt. Unless you paid them large sums of money, they would not help you.

Tell the family that this is not the situation in Canada. It would be extremely rare for a Canadian police officer to ask for payment before helping someone. If this did happen, such behaviour should be reported immediately using the complaint procedure mentioned above in (b).

The family members may not yet be fluent in English. They may be embarrassed about this or fearful of misunderstandings.

In the Lower Mainland it is not difficult to find interpreters, some of whom will accompany you to an interview with the police or to another government agency. (see Resources section.) Family members should be encouraged to use these interpreters and translators. Otherwise, the language difficulty may prevent a useful solution to the problem.

(d) The family may be more used to solving problems by themselves and within their own cultural community, rather than reporting to outside authorities like the police.

Encourage family members to talk with community workers from organizations that serve their own cultural community. Community workers and settlement counselors can explain why it is important to contact the police. They can also explain what the police will do, and help the family work with the police.

(e) This vandalism was not too serious. At least no one was hurt. Perhaps the family will decide to get the window fixed and forget about it. Maybe it won't happen again.

This does nothing to help solve the vandalism problem. The family should contact the police if only to get the attack on record. The police keep track of such incidents, and if several of them happen in a certain neighbourhood, the police can target that neighbourhood for special attention. They might step up patrols, or work to form a 'neighbourhood watch' program in the area.

## Activity 4.2 - A and B

**Materials:** Make copies of Handout 4.2A and 4.2B for everyone. Distribute Handout 4.2A when you want your class or group to work on their own definitions for the vocabulary words.

**Immigrant Settlement Groups:** Translate Handouts 4.2A and 4.2B into the home language of your group, and proceed as you see fit, using the Vocabulary suggestions in the GUIDE Introduction, page iii and following, if they seem useful to you.

**Remember:** Do not give out the Vocabulary Resource (Handout 4.2B) until after you and the whole group have discussed their own definitions for the vocabulary words.

## *Learning the Language of the Law* Vocabulary List and Vocabulary resource

**Activity Overview:** The Chapter 4 Vocabulary List is divided into two main sections, one related primarily to human rights laws and the other to the *Criminal Code of Canada*. Learning these words and their meanings will help participants understand how these laws are used in our communities to protect some of our rights and to provide fair trials for people accused of crimes.

The *Citizenship Handbook* itself does not go into detail about the complaint process under human rights laws or the very different process involved in a criminal trial. Participants who learn this vocabulary and pay attention to the activities, however, will be able to follow the complaint or the trial process with a fair degree of understanding.

We have inserted some additional explanatory material into the Vocabulary Resource for teachers and settlement counselors. You will find it *in smaller Italic print* on pages 52 and 53.

**Activity Directions:** In the Introduction to this GUIDE, we have suggested several ways to introduce the vocabulary words and to encourage participants to find definitions and learn them. We leave you to choose the way you want to do this with your own students or group members (see Introduction, starting on page v).

**Additional material:** Both the Law Courts Education Society and the B. C. and federal Human Rights Commissions have educational materials available in a variety of languages. (For the current status of the B.C. Human Rights Commission, check the government web page cited on pages 46 and 47.) Pick out relevant ones for your participants. Contact information for these organizations is in the Resources section at the end of this GUIDE.

**Field Trip:** Most people are very interested in trials, and a visit to the criminal court is not difficult to arrange. (Call the Law Courts Education Society. See contact number in Resources section.) Follow this up with a session led by a *plain talking* criminal lawyer to discuss the trial and add even more value to the experience.

## Activity 4.2B

## Vocabulary Resource

(continued)

## 1. Canadian Charter of Rights and Freedoms

the part of our *Constitution* that protects a citizen's basic democratic rights, and limits the government's power to interfere with them (pp 60 - 62)

*Your class or group may have 'met' the Charter earlier in Chapter 2. Refer them back to pages 32 - 36 where some of the individual rights guaranteed by the Charter are described and illustrated. The material in this chapter (Chapter 4 ) gives further information on what the Charter covers and how it is applied and enforced.*

## 2. Human Rights Laws

provincial and federal laws that protect us from discrimination in our housing, our work, and our use of public services such as restaurants, theatres, libraries and government agencies (p 66)

*Each province in Canada has its own human rights law to cover discrimination in housing, employment, and public services under provincial control. In B. C. that law is the B. C. Human Rights Code. Check [www.gov.bc.ca](http://www.gov.bc.ca) to learn about recent amendments proposed for this Code.*

*Canada also has a federal human rights law, the Canadian Human Rights Act. It applies to the same three areas - housing, employment, and public services - but only when they are regulated by the federal government. For example, jobs in the armed forces, in federal agencies, and in businesses like airlines, banks, and communications companies are covered by the federal Act. Housing on military bases or financed by the Federal Housing and Mortgage Corporation, and services offered by Revenue Canada, Immigration Canada, and Canadian consulates and embassies in other countries, are further examples where the federal Act applies.*

*(You may want the group to review the division of powers between provincial and federal governments discussed on pp. 43 - 44 in Chapter 3 of the Citizenship Handbook.)*

## 3. discrimination

in most human rights laws, discrimination is unfair treatment based on someone's race, colour, national or ethnic origin, age, religion, family or marital status, physical or mental disability, sex or sexual orientation (p 66)

*Be sure that everyone in the group understands what each of these listed grounds of discrimination means. The B. C. and Canadian Human Rights Commissions have free educational materials very relevant to this topic. See their telephone numbers in the Resource section at the end of this GUIDE.*

## 4. private sector

businesses (stores, theatres, etc.), clubs (the YMCA), offices (a lawyer's or a doctor's office), and other places that are not a part of the government (p 67)

## Activity 4.2B                      Vocabulary Resource                      (continued)

**5. violate**

to break the rules or to break the law. In law, 'violate' usually means to do something illegal (pp 59 and 62)

**6. victim**

a person who has been harmed by a criminal act, or one whose rights under a human rights law have been violated (p 67)

**7. remedy**

a way to correct something that is wrong. In law, it often means telling someone to pay for damage they have done (pp 59 and 67)

*A medical remedy is a way to cure an illness. The legal meaning has the same problem solving effect.*

**8. Criminal Code of Canada**

the federal law that tells us which actions are crimes in Canada and what penalties can be given (pp 63 and 64)

*The distinction between criminal law and civil law is not always clear. In general, civil law deals with private disputes between two people, or two "parties", about contracts, accidents, or property disputes - all matters that usually result in an award of money to the winner.*

*Criminal law, on the other hand, deals with actions that the community considers so serious that the result of a trial is often a denial of personal freedom - the imprisonment of the guilty person. In criminal law, the state itself brings the action against the accused. Because criminal actions so seriously disrupt the life of a civilized society, they are considered crimes against the state itself as well as the victim.*

**9. accused**

the person who is on trial in a criminal court (p 64)

**10. Crown counsel**

a government lawyer who tries to convince a judge or jury that the accused is guilty of a crime (pp 64 and 65)

**11. defence counsel**

lawyer who defends the accused by making every reasonable argument possible to raise doubts about the accused's guilt (p 64)

**12. beyond a reasonable doubt**

the legal basis for a verdict of "guilty" in a criminal trial. The evidence against the accused must be so strong that the judge (or jury) has no 'reasonable doubt' about the guilt of that person (pp 64 and 65)

**13. verdict**

the final decision, made by a judge or jury in a criminal case, stating whether the accused is guilty or innocent



## Activity 4.3

**Materials:** Make copies of Handout 4.3 for everyone

**Immigrant Settlement Groups:** Translate and make copies of Handout 4.3 for the members of your group. You can then do the activity as described in **Activity Directions**, this page, right column.

### Answers to the Vocabulary Review:

1. (b) *Charter of Rights and Freedoms*
2. (l) accused
3. (i) victim
4. (c) remedy
5. (a) defence lawyer
6. (e) discrimination
7. (j) *BC Human Rights Code*
8. (f) beyond a reasonable doubt
9. (d) private sector
10. (h) violate
11. (g) *Criminal Code*
12. (k) Crown counsel
13. (m) verdict

## Protecting Our Rights

### Vocabulary Review

**Activity Overview:** This matching activity provides a simple review of the vocabulary for the first part of this chapter. We suggest that people work in pairs, and that they not use the Vocabulary Resource (Handout 4.2B) while doing the exercise.

### Activity Directions:

- Divide your class or settlement group into pairs, and give Handout 4.3 to everyone.
- Ask them to work together to choose the answers, and then use the Vocabulary Resource to check what they've done.
- Go through the exercise with the whole group when everyone is finished, calling on different people to read the completed questions and answers.
- When appropriate during the group discussion, remind participants of the proposed amendments to the B.C. Human Rights Code. (See framed comments on pages 46 and 47.)

Extend the activity by asking participants to use the words in sentences once they have finished the matching quiz. This will help you learn how well they really understand the words. Give each pair of participants three or four words to work on, and ask them to make up new sentences to read to the class or group. Discuss the sentences in a whole group setting, commenting on word use and grammar.



## Activities 4.4 - A and B

**Materials:** Make copies of Handouts 4.4A and 4.4B for everyone

### Immigrant Settlement Groups:

Translate the case studies and use them as described in the Activity Directions, this page, column right.

It is not likely that the policies relevant to these case studies will be affected by recently proposed amendments to the *Human Rights Code*. See framed notices on pages 46 and 47.

### Having a Guest Speaker?

If a speaker is coming from a human rights agency or organization, you may want to consider these suggestions: (1) Be sure to leave enough time for a question and answer period. (2) It might help if your group prepares some questions prior to the visit. Then, if people are too shy to ask a question on their own, you can fall back on the prepared questions. (3) As part of a homework assignment in an ESL class, students can be asked to write out the answers to the prepared questions after the visit has taken place.

## Human Rights and Discrimination

### Case Studies and Discussion

**Activity Overview:** The subject of discrimination is one that lends itself particularly well to case studies. We offer two sets here. Both are concerned with the *B. C. Human Rights Code*. The first set (Handout 4A) is adapted from *Learning about the Law: Teachers' Guide*, published by the Peoples' Law School, and the second (Handout 4B) is adapted from *Cultures West*, the twice-yearly AMSSA magazine. [Contact information for these organizations is in the Resources section of this GUIDE.]

We suggest you use one set of case studies to introduce law-related solutions to discrimination before you go over the human rights laws discussed on pp 66 and 67 of the *Citizenship Handbook*. The second set can then be used for review after the group has spent more time learning what a human rights law is like and how it works.

### Activity Directions:

- Divide your class or group into pairs or small groups, and give everyone a copy of Handout A.
- Ask them to decide whether they think the situations described in the handout conflict with BC's human rights laws.
- While they are discussing their responses, circulate among them, and choose pairs or groups to present one of the cases, with their response, to the whole group when it reassembles for discussion.
- Discuss these responses, using the suggestions on the next page to clarify issues if useful or necessary.
- During the whole group discussion, compare the facts in the cases to the grounds covered by human rights laws. Review the list of grounds covered by these laws (see this chapter's Vocabulary and *The Citizenship Handbook* pages 66 and 67).
- At the next class or group meeting, do the case studies on Handout B in the same manner, and once again review the coverage offered by human rights laws.

## Activity 4.4A Human Rights and Discrimination (continued)

Case Studies: Handout A

[Cases adapted from *Learning about the Law: Teachers' Guide*. Response suggestions from the BC Civil Liberties Association.]

1. A small Vancouver business needs someone to help with office work. The owner writes an ad for the local newspaper that reads: "Mature woman needed for office work. Good typing and filing skills required".

Two aspects of this ad are questionable: (1) The word 'mature' can indicate discrimination based on age. (2) The ad is also restricted to women. This contradicts laws that prohibit discrimination based on sex. Such a preference *might* be permitted if it related to the requirements of the job in question. For example, it might be appropriate to ask for a woman if you are hiring someone to work as an attendant in a women's washroom.

2. A travel agency specializes in travel to Japan. The agency needs a new employee. Their ad asks for a "Fluent Japanese speaker with travel agency experience." Among the applicants are Michiko and Jane. Michiko is Canadian-born ; her parents came from Japan. She speaks a little Japanese. Jane is a Canadian citizen born in Scotland. She has learned to speak Japanese fluently, and can also read and write it. Neither woman is interviewed for the job.

Probably neither woman has a valid human rights complaint. Language ability is certainly relevant, but by itself is not enough to qualify someone for this job. If these two women have no travel agency skills or experience, they do not appear to be qualified for the job, and human rights laws will not help them.

3. Vlad and Tanja manage a small apartment building where a one-bedroom apartment is vacant. The apartment is very small, and they want to rent it to one person or a married couple. Two young men call about the apartment. Tanja tells them she will not rent the apartment to two single people.

Since Tanja is willing to rent to two people who are married, how can she refuse to rent to two people who are not married? The distinction she is making is based not on the number of people (which in some circumstances - not here - might be a valid issue), but only on the marital status of the two people involved. The *B. C. Human Rights Code* says you cannot use marital status to deny someone a rental accommodation.

Whether these two young men consider themselves married is not an issue the way this case is presented. If you think it is appropriate in your class or group, you might ask them what they think Tanja would do if the two young men presented her with a church document recognizing them as married. Same sex marriages are becoming more common in Canadian society, but not everyone tolerates them. Does your group think they are protected under the *B. C. Human Rights Code*?

## Activity 4.4A Human Rights and Discrimination (continued)

4. Some students in an ESL class find it hard to understand the accents of other students from a different country. They don't talk to these students much, and don't like working with them. They ask the teacher not to put the students in their group.

If the ESL class is part of a public school program, it is arguably a 'public service'. Most human rights laws prohibit discrimination in public services. Even if it is a private class, the teacher should not do as the students ask. They are practicing discrimination themselves, which is wrong. They should be learning to cope with accents as a part of living in this multicultural country. They are learning English, too, and should be able to empathize with others who must fight language barriers as they work to become fluent in a new language.

5. Mary and Bill bought a house with a basement suite that you enter directly from a garden patio. A man in a wheelchair came to look at the suite. He liked it because it had no stairs. Mary thinks the man should live with his family so that they can take care of him. She won't rent the suite to him because she is worried about him living alone.

While Mary may be a thoughtful person in many ways, she does not seem willing to treat an adult with a physical disability as an adult can expect to be treated under the law, i.e. equally with other adults. Refusing accommodation to a man because of his physical disability is not permitted under the *B. C. Code*. In general, the law does not let us refuse to rent to someone just because we think the person would be better off somewhere else. What we think is better for someone does not allow us to disobey the law.

**A Suggestion:**

Locate and give out copies of the *B. C. Human Rights Code* (or the amendments suggested for the *Code* by the provincial government in the spring of 2002) when you discuss these case studies. This will give class and group members a chance to see what a law or a proposed law actually looks like, and to understand why legal language often makes laws difficult for non-lawyers to read. If any of your class or group members show real interest in the law itself, ask them to do some research on a section or a proposed amendment, and to make a presentation at a later time. There is much useful information on the *B. C. Code* and the *Canadian Human Rights Act* available at the human rights offices listed in the Resources section at the end of this GUIDE.

## Activity 4.4B Human Rights and Discrimination (continued)

Case Studies: Handout B [Cases and responses adapted from *Cultures West*, the twice-yearly magazine of The Affiliation of Multicultural Societies and Service Agencies of B. C.]

1. You are supposed to write a test at school on one of your important religious holidays. You ask to change the time, but your teacher says no.

The school is a public service and as such is covered by the *B. C. Human Rights Code*. The school has a duty to find a way for you to write your test without interfering with your religious practices.

2. You have a job. Two staff members keep telling jokes about sex and talking about their sex lives.

Sexual harassment is unwelcome sexual behaviour (including joke-telling and repeated conversations) that has a negative effect on where you work, live or receive services. You could make a complaint under the *Code*. Compare this with #6. below.

3. You go to a job interview. The boss asks you how old you are.

'Age' in the *B. C. Code* covers ages 19 to 65. If you are between those ages, a hiring decision cannot be based on your age. This does not mean that the employer cannot ask about your age. By merely asking the question, however, the employer raises the possibility that age may be a factor in the hiring decision. If you are not hired, and you think the reason was your age, you can file a complaint.

4. You want to apply for a job. On the job application is a question asking if you take any medication.

This is a situation parallel to the one above in #3 above. Employers can *ask*, but if you are denied the job and you think it was because you're on medication, it is possible that you can make a human rights complaint based on physical disability. The employer is supposed to ask only whether you are qualified and capable of doing the necessary parts of the job.

5. You work as a clerk in a clothing store. A female customer wants to return a sale item, which the store does not allow. As you try to explain, the customer leaves the store in anger. She later phones the store, asks to talk to you, and calls you racist names. You hang up on her. Your boss fires you because 'the customer is always right'.

This is based on a real case. There, the human rights tribunal ruled that firing the complainant was racial discrimination because the owner had encouraged a 'poisoned' work environment.

## Activity 4.4B Human Rights and Discrimination (continued)

6. You are at work and one of your co-workers tells a joke that makes fun of women.

A 'one time, isolated comment' is generally not considered to be discrimination, unless the comment is severe.

7. You see anti-gay or anti-lesbian graffiti on the walls of your school washroom. You tell a teacher and another staff person, but they say there is nothing that they can do about it.

The school is responsible for providing a service that is free from discrimination, which includes dealing with racist or homophobic graffiti in the washrooms.

8. You are deaf. You are accepted into university but cannot afford to pay for an interpreter. University officials say that they cannot pay for one either.

This is also based on a real case. The university was found to have discriminated, and was ordered to provide an interpreter to ensure 'equal access' to its educational services regardless of disability.



## Activity 4.5

**Materials:** Make copies of Handout 4.5 for everyone.

**Immigrant Settlement Groups:** First, translate and make copies of Handout 4.5. What you do next depends on how interested you think your settlement group will be in this topic. (1) If you think they are interested enough to put in quite a lot of work and you are using a translated version of *The Citizenship Handbook*, then you can follow the procedures outlined in Activity Directions, this page, right column. The language level is high, and some explanations of the text may be necessary.

(2) If interest is not high, or you do not have a *Handbook* in the appropriate home language, we suggest you let your group work on the true/false quiz in small groups, or pairs for 10 minutes or so. Then go over the answers with the whole group, including information from the *Handbook* or this *GUIDE* when you think it is useful.

### True/False Answers

- |          |          |
|----------|----------|
| 1. True  | 6. True  |
| 2. False | 7. False |
| 3. True  | 8. True  |
| 4. False | 9. True  |
| 5. False | 10. True |

## Access to Information and Privacy

### Reading for Details / True and False Quiz

**Activity Overview:** This activity focuses on two aspects of information - (1) our right as citizens to have access to information about our governments' policies and activities, and (2) our own personal right to protect our privacy and to live our personal lives free from government surveillance.

Activity 4.5 is a True/False Quiz based on the material in pages 68 through 71 of *The Citizenship Handbook*, where these two different information-related rights are discussed. Additional information about these issues is on the next page of this *GUIDE*. We hope you will find it useful.

If you think your class will have problems with the language level of *The Citizenship Handbook* text - which must be read in order to answer the True and False quiz - please consider the suggestions we make on the next page of the *GUIDE*.

### Activity Directions:

- Before beginning this Activity in the classroom, read through the *Citizenship Handbook* pages yourself, noting words that might be difficult. Be prepared to give short definitions of those words in class, if that becomes necessary.
- Introduce the subjects of access to information and privacy to your class. Be sure they understand these concepts before you let them start the activity itself. (See *Handbook* pages 68 - 71, and next page.)
- Ask your class or group to read pages 68 - 71 of *The Citizenship Handbook*. When they have finished, distribute copies of Handout 4.5. Divide the class into pairs, and ask them to work together on the quiz, using the *Handbook* to find the answers. Go over the quiz with the whole class, asking different people to point out the answer in the *Handbook*.

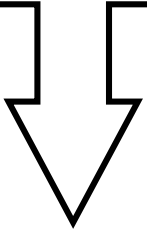
## Activity 4.5

## Access to Information and Privacy (continued)

Discussion Material for ESL Teachers  
and Immigrant Settlement Counselors:

Government work produces enormous amounts of information - reports, statistics, minutes of meetings, policy suggestions, and much more. At the same time, gathering personal information about people has become widespread and easy. And in both cases, more power is in the hands of those who control the information. As citizens, we need our information-related rights.

A suggestion  
for ESL  
classes who  
need help with  
the language on  
pages 68 - 71  
of *The  
Citizenship  
Handbook*



**Access-to-information** laws help us know what our governments are doing and help us make informed choices about the people and policies we want to support. Our government is thus more accountable to us - the citizens it both leads and represents. A couple of decades ago, most governments did not let ordinary citizens follow the decision-making process at work. Now both the federal and B. C. governments have laws that give citizens the right to request and receive government information.

**Privacy** means that the government will stay out of our personal lives and leave us alone as we pursue our lawful daily activities. While there is no absolute right to privacy in Canada, our laws protect us against certain invasions of privacy. The government cannot ask us to account for our private activities except in very special circumstances. Other laws allow us to see some information the government holds about us, and to seek corrections if necessary.

- **Day One** Count off students in fours, giving everyone a number from 1 to 4. Assign page 68 to all #1s, page 69 to #2s, and so on. Ask them to read their assigned page for homework, to write down any words they do not understand, and to look up their meanings.
- **Day Two** Put all #1s in one group, all #2s in another, and so on. In these groups, one member will read their page aloud quietly, and the others will decide on word definitions. They will ask you to explain any words they can't define among themselves. As well, they will organize the groups members to read their page aloud to the whole class.
- **Day Three** Members of group #1 read page 68 to the class, who will follow the reading in their own *Handbooks*. They can interrupt to ask for definitions, which will be supplied by Group #1 members. If no group #1 member can give a definition, you supply it. The next day, do the same with page 69, and so on with pages 70 and 71..
- **In this way**, all pages from 68 through 71 are read to and by the class over a period of time during which everyone becomes familiar with the terms and concepts involved. Troublesome words are identified and defined, and the class is then ready to do the True/False Quiz.



## Activity 4.6

Materials: make copies of Handout 4.6 for all participants

### Immigrant Settlement Groups:

Translate the Handout. If you are using a translated version of *The Citizenship Handbook*, you can proceed as described in Activity Directions; this page, right column. If you do not have an appropriate language version of the *Handbook*, ask your group members - in pairs or small groups - to complete as much of the matching exercise as they can. Then go over the whole thing with them, using information from your *Handbook* to explain the agencies and laws that are unfamiliar to them.

### Matching Exercise Answers:

1. (D)
2. (H)
3. (A)
4. (B)
5. (I)
6. (G)
7. (E)
8. (J)
9. (C)
10. (F)

## Different Problems : Different Protection Matching Exercise

Activity Overview: In this activity, students or group members try to figure out which of the listed agencies or laws is most helpful for dealing with the problems described in the numbered paragraphs. The page numbers indicate where to find information about the agency or law in *The Citizenship Handbook*.

If students have not read the whole chapter, they will not be familiar with everything in the exercise. This is especially so regarding material on pages 72 through 75, which is not referred to in earlier chapter four activities. You could go over some of that material, or assign those pages for homework, before attempting the matching exercise. Alternately, you can make this activity an exercise in finding information, and using the second method suggested below.

### Activity Directions:

- Give everyone Handout 4.6 and divide the class into small groups to complete the matching exercise. Bring them back together when they are finished, and go over the answers with any necessary explanations.
- Whether participants use their *Citizenship Handbooks* while doing the exercise is up to you. If they have actually covered most of the material in the chapter, you might try doing the activity without using the *Handbook*, drawing on it only as you discuss the answers with the whole group.
- On the other hand, you could use the activity as a "research tool" when the group has not read the whole chapter. Assign each small group 4 or 5 of the numbered problem descriptions, making sure all 10 are covered. Give the groups a few minutes to figure out the answers, telling them to use the *Handbook* to find answers they do not already know. Complete the activity as described above.

## Activity 4.7

**Materials:** Make copies of Handout 4.7 for everyone.

Try to find a copy of the *Criminal Code* to bring to your class or group meeting. (Libraries do not lend out this reference material, but perhaps you can borrow one from a lawyer.) Let participants look through the *Code* and read aloud something they find interesting.

**Immigrant Settlement Group:** If your group is using a translated version of *The Citizenship Handbook*, we suggest you translate Handout 4.7 and proceed with the activity as described in the **Activity Directions: Lower Level ESL**, this page, column right.

Here is a suggestion if you are not using a translated version of the *Handbook*. Introduce your group to the *Criminal Code* by talking about the 12 items that are the answers for this activity (use pages 63 - 65 of the *Citizenship Handbook*). Write each term down on a white board, etc. Then divide the group into pairs, give them translated handouts, and ask them to answer as many questions as they can, using the terms you discussed. When you all talk about the answers, review information from the answer sheet (see next page) and the *Citizenship Handbook*.

## Understanding the Criminal Code

### Reading for Details

**Activity Overview:** Asked to think of ways to protect people's rights, probably few of us would come up with the *Criminal Code*. But the *Code* has an important role to play in protecting our rights, as you will find from reading pages 63 - 65 of *The Citizenship Handbook*.

This activity introduces the *Criminal Code* to your class or group and directs them to complete sentences about the *Code* and related issues with words from the *Citizenship Handbook* pages noted above. Three clues help them as they do this exercise: (1) the context of the sentence itself; (2) the first letter of the word, which is given; and (3) a note of the page on which the word is found.

### Activity Directions:

#### Middle - Upper Level ESL:

- Assign pages 63-65 of *The Citizenship Handbook* for homework. At the next class or meeting, distribute Handout 4.7A and ask everyone to complete it - individually, or in pairs or small groups, and open or closed book, whatever you prefer.
- When you discuss the answers, use the information from the answer sheet (next page) and *The Citizenship Handbook* to round out their knowledge of the *Code*.

#### Lower Level ESL:

- Arrange your class or group in pairs or small groups and distribute Handout 4.7. Turn to page 63 of the *Citizenship Handbook*, and ask different people to read the text aloud, completing the whole page.
- Working together, look on page 63 for the answer to questions #1 and #11. Then do question #10, as well. (It is not in the *Handbook*.)
- Now assign the remaining questions to different sets of people. Some can work on the questions related to page 64, and others on those related to page 65. When they finish and you discuss the answers together, explain any vocabulary or information that raises difficulties.

## Activity 4.7 Understanding the Criminal Code (continued)

## Answer Sheet

	<u>Pages</u>	<u>Answer</u>
1.	63, 64	Crimes
2.	64, 65	Reasonable (See also Vocabulary Resource 4.2B #12)
3.	65	Interest*
4.	64	Maximum
5.	65	Investigate (See also Vocabulary Resource 6.5B #9)
6.	64	Not guilty
7.	65	Arrested**
8.	64, 74	Legal aid
9.	65	Crown Counsel***
10.	--	Order****
11.	63	Due process (See also Vocabulary Resource 2.2B #4 and p 28 of the <i>Handbook</i> .)
12.	65	Evidence

\*The Crown has the discretion to decide when the 'public interest' would not be served by an arrest. For example, suppose a sympathetic MLA chooses to join a peaceful public demonstration against an unpopular development project and is seen painting a daisy on the fence around the project. When a member of the public - in a politically motivated action - tries to have the MLA charged with public mischief, the Crown could very well decide not to prosecute.

\*\*In B. C., the police arrest someone and take her/him to the police station because they think s/he has committed a crime. Unlike many other places, however, the police here cannot actually 'charge' the person with a crime. To 'lay a charge' is to complete the official statement saying that someone is accused of (or 'charged with') a crime. In B. C., only Crown Counsel can do that. Thus, Crown Counsel sometimes lay a charge after the police arrest someone. Sometimes, however, Crown Counsel have evidence enough to lay a charge before asking the police to arrest the accused.

\*\*\*Crown Counsel have their title because the Queen of England is also the Queen of Canada. 'The Crown' is the term used for the royal government when a country has a king or queen. See also Vocabulary Resource 4.2B #10

\*\*\*\*While "Law and Order" is excellent TV entertainment, remind your participants that it is a show produced in the United States, based on U. S. procedures and laws. They should not depend on it for learning about the Canadian justice system or laws, which might be quite different in many ways.

## Activity 4.8 - A and B:

**Materials:** (1) Make copies of Handouts 4.8A and 4.8B for all participants. (2) Prepare 'stickers' with names of courtroom personnel for use in the 'identity activity'.

### Immigrant Settlement Group:

If possible, translate Handouts 4.8A and 8B, and do the activity as described in Activity Directions on page 66. Otherwise, translate the names of the courtroom personnel on Handout 4.8B orally, and ask everyone to write the names on their own diagrams as you lead a discussion on the people involved in a criminal trial.

### Field Trip Suggestion:

Attend a criminal trial. Arrange this through The Law Courts Education Society (see Resources section of this GUIDE.)

## Learning about a Criminal Trial

Chapter 4 is the only chapter in the *Citizenship Handbook* that discusses the *Criminal Code of Canada*. Having learned something about the *Code* in Activity 4.7, now is a good time to focus on what happens in a criminal trial. While courtroom details are not featured in the *Citizenship Handbook*, they are very appropriate to include in this program about citizenship. The courtroom illustrates many laudable aspects of Canada's justice system - openness, attention to the rights of the accused, decisions based on evidence, and the rule of law - to name a few. And the courtroom is a naturally dramatic setting, usually of great interest to both newcomers and established Canadians.

**Activity Overview:** This activity introduces your class or group to the people involved in a criminal trial. We begin with a game-like identity activity. A sticker is placed on each participant's back shoulder. On the sticker is the name/title of one of the people in the courtroom, but participants do not know who is named on their sticker. Using Handout 8.A, they ask each other questions, trying to identify the people named on their stickers. (If you are concerned about the vocabulary level of Handout 8A, see the shaded information below.) When everyone knows what their stickers say, the participants regroup to review the courtroom setting, using the on Handout 8.B diagram.

### **IMPORTANT- Vocabulary Level:**

Handout 8.A includes vocabulary that may need attention before an ESL class can do the identity game that begins this activity. One way to clarify the vocabulary is to have small groups study and learn the vocabulary for each description on the Handout. Assign the descriptions to different groups as you see fit. Ask them to (a) look up unfamiliar words, and (b) be prepared to read the descriptions to the whole class and to answer questions about the vocabulary. You may have to work this into several days. Once everyone is comfortable with the vocabulary, continue with the activity as described on the next page.

**Activity Directions** on next page.

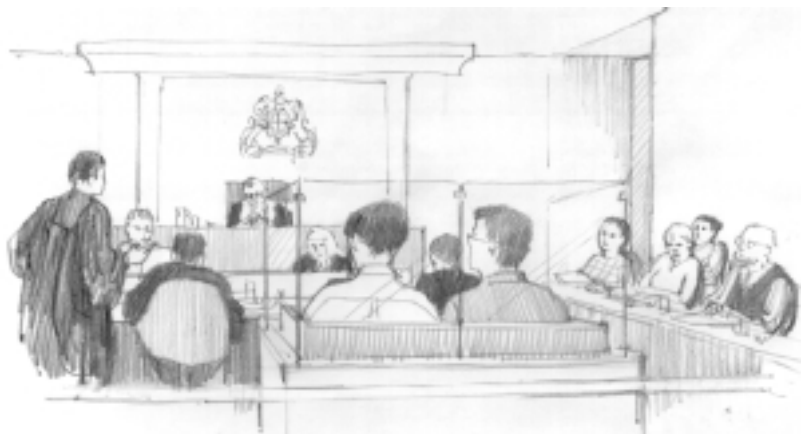
## Activity 4.8 - A and B    Learning about a Criminal Trial    (continued)

**Activity Directions:**

- Print the name of each courtroom figure on a 2" by 3" sticker (duplicates are OK).
- Place a sticker on the back shoulder of all group members (*do not let them see the stickers*) and give them Handout 8.A.
- Tell them to try to identify the person on their sticker by asking each other questions made up from the information on the Handout.

Model the kinds of questions they should ask, such as: "Do I defend the accused?" and "Am I the person on trial?" Ask each person in the class or group to make up a question from the Handout descriptions until you are sure they know what to do. Remind them that when someone answers "YES" to their question, they have found out who is on their sticker.

- Regroup when everyone has figured out what their stickers say. Give out Handout 8B, and lead a discussion covering the role of each person in the courtroom during a criminal trial.
- Follow this - perhaps the next day - with Activity 4.9.



Note: Both handouts 4.8A and 4.8B are adapted from material in *BC's Legal System, a Guide to the Wall Charts*, published by The Law Courts Education Society and The Legal Services Society. These two agencies have many excellent resources on the courts and Canada's justice system for teachers and cross cultural workers. You will find their contact numbers in the Resources section of the *Guide*.

## Activity 4.9

Materials: Make copies of Handout 4.9 for everyone

Immigrant Settlement Group: translate Handout 4.9 and proceed with one of the suggestions described in Activity Directions, this page, right column.

The answers to the matching exercise are as follows:

1. (e) - Crown Counsel
2. (f) - Jury
3. (a) - Judge
4. (g) - Defence Counsel
5. (h) - Witnesses
6. (c) - Accused
7. (b) - Court Clerk/Reporter
8. (d) - Deputy Sheriff
9. (b) - Court Clerk/Reporter
10. (a) - Judge

## Learning about a Criminal Trial: Review

Activity Overview: This activity is a straightforward matching exercise to reinforce what your class or group has learned about the people who are involved in a trial in the criminal courts. Use the exercise in whatever way seems most appropriate for your situation.

Activity Directions: Decide how you want to use this activity, either following one of the suggestions below, or creating a use that better fits your class or group situation. Distribute the handouts, give your directions, and let everyone go to work.

Suggestions for using this activity:

- as an individual exercise to be completed without access to Handout 4.8A (that handout will give away the answers)
- as an informal pairs or small group review activity, with or without access to the Handout 4.8A handouts; as you wish, or
- (especially if you have relatively few participants) as a contest in which you divide the group into two teams and alternately ask them the questions on Handout 4.9. Challenge them by not letting them use Handout 4.8A. Each team must agree on its answer before submitting it to you.

---

## Activity 4.10 Know Your Rights - Use *The Citizenship Handbook* Reading for Details

Materials: make copies of Handout 4.10 for all participants

Immigrant Settlement Groups:  
We recommend this activity only for those settlement groups using a translated version of *The Citizenship Handbook*. Once you have translated Handout 4.10, you can proceed with one of the activities described in the Activity Directions, this page, right column.

Before assigning this activity to an ESL class, be sure to check the language level of chapter 4 in the *Handbook* to make sure it is appropriate for your class.

Activity Overview: Activity 4.10 is a basic academic exercise requiring participants to read certain pages of *The Citizenship Handbook* in order to answer a series of questions related to their rights. While the questions come from many different parts of the chapter, they focus particularly on how human rights laws and the *Criminal Code* protect Canadians' rights, and what remedies are available to help victims of unfair discrimination.

Activity Directions: This activity can be (1) an open-book individual homework assignment; (2) a detailed in-class introduction to the chapter for an upper level ESL class or a settlement group with academic interests; or (3) an in-class review after other chapter activities have been completed. We suggest doing numbers (2) and (3) in pairs or small groups, thus dividing the questions among participants to lessen the workload.

---

### Appropriate answers for Handout 4.10 - Page references from the Citizenship Handbook are on Handout 4.10

1. an apology - changing an unfair law or policy - financial compensation
2. tells citizens what actions are crimes - defines procedures so that we can defend ourselves if we are accused of a crime - includes only real crimes, and not actions that some people may think are wrong
3. right to make a full defence - right not to give evidence - right to be represented by a defence lawyer - sometimes, the right to choose whether to have a judge or a jury
4. age - religion - family or marital status - physical or mental disability - sex - sexual orientation
5. order to stop the discrimination - order to offer you the opportunity you were denied - order to compensate you for any expenses incurred - order to pay you for injury to your dignity, feelings and self-respect
6. when the information relates to national security or to law enforcement or investigations, or when it is personal information about other people
7. the Office of the Ombudsman - the Auditor General
8. Legal Aid - Lawyer Referral Service - Peoples' Law School