

Chapter 4

Protecting Your Rights

GOALS

We will learn about

- human rights laws, which protect us from discrimination in jobs, housing and public services.
- the *Criminal Code*, which helps protect our safety and our right to a fair trial if we are accused of a crime.
- less well known laws and agencies that protect our privacy and other important rights.

Handout 4.1A

How Can We Help?

An Introduction on Using the Law to Protect Our Rights

- (1) Decide what you think is happening to the people in your picture.

- (2) Create a role-play to show what is happening in the picture and what the problem is. End the role-play by showing how you would help the person or persons having a problem.

- (3) Do your role-play for the whole class or group, and be ready to explain the details.





Handout 4.2A

Learning the Language of the Law Vocabulary List

1. *Canadian Charter of Rights and Freedoms*

(pp 60 - 62)

2. Human Rights Laws

(pp 66 and 67))

3. discrimination

(p 66)

4. private sector

(p 67)

5. violate

(p 59 and 62)

6. victim

(67)

7. remedy

(pp 59 and 67)

8. *Criminal Code of Canada*

(pp 63 and 64)

9. accused

(p 64)

10. Crown counsel

(pp 64 and 65)

11. defence counsel

(p 64)

12. beyond a reasonable doubt

(pp 64 and 65)

13. verdict

Protecting Your Rights:

Both Canada and BC have special laws that protect our rights.

Learning the terms on this list will help us to understand and to use those laws.

*Page references are for the Citizenship Handbook

Handout 4.2B

Learning the Language of the Law
Vocabulary Resource

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)
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, libraries, theatres and government agencies (p 66)
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)
4. private sector businesses (such as stores and theatres), clubs (such as the YMCA), offices (such as a lawyer's or a doctor's office), and other places that are not a part of the government (p 67)
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)
8. *Criminal Code of Canada* the federal law that tells us what actions are crimes in Canada and what penalties can be given (pp 63 and 64)
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 a 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 must be so strong against the accused 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

Handout 4.3

Protecting our Rights

Vocabulary Exercise:

Find the answer to each question and put the proper letter in the () after the question. The first one is done for you.

1. What part of the federal Constitution protects our democratic freedoms? (**b**)
2. Who is on trial in a criminal case? ()
3. In a human rights case, who is the person who complains? ()
4. What does a victim want when he or she complains to a human rights agency? ()
5. In a criminal trial, who argues that the accused person should not be convicted? ()
6. What is the word to describe unfair treatment based on someone's race or religion? ()
7. What provincial law helps you if you are discriminated against? ()
8. How strong must the evidence be to find the accused guilty of a crime? ()
9. If employers or offices are not part of the government, what are they a part of? ()
10. When you discriminate against someone, what do you do to that person's human rights?
You ____()_____ them.
11. What federal law describes crimes and their penalties in Canada? ()
12. Who in the courtroom tries to prove that the accused is guilty? ()
13. What is the name of the decision a judge or jury gives at the end of a trial? ()

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- | | | |
|---|---------------------------------|---------------------------------|
| (a) the defence counsel | (e) discrimination | (i) a victim/complainant |
| (b) <i>The Charter of Rights and Freedoms</i> | (f) 'beyond a reasonable doubt' | (j) <i>BC Human Rights Code</i> |
| (c) a remedy | (g) <i>The Criminal Code</i> | (k) Crown counsel |
| (d) the private sector | (h) violate | (l) the accused |
| | | (m) the verdict |

Handout 4.4A

The B. C. Human Rights Code
Case Studies for Analysis *

Do these cases raise problems under the *BC Human Rights Code*?

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."
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 woman born in Scotland. She has learned to speak Japanese fluently, and can also read and write it. Neither woman is interviewed for the job.
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.
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.
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.

*These case studies are adapted from *Learning about the Law: Teachers' Guide*, produced by The People's Law School. Ask your teacher or group leader about *Learning about the Law*. It is an excellent publication.

Handout 4. 4B *Human Rights Complaints*
More Case Studies for Analysis*

If these things happen to you, will the *BC Human Rights Code* help you?

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.
2. You have a job. Two staff members keep telling jokes about sex and telling you about their sex lives.
3. You go to a job interview. The boss asks you how old you are.
4. You go to apply for a job. The job application asks if you take any medication.
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'.
6. You are at work and one of your male co-workers tells a joke that makes fun of blond women.
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 they can do about it.
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.

*These case studies are adapted from *Cultures West*, the magazine of The Affiliation of Multicultural Societies and Service Agencies of BC. For more information about this group, ask your teacher or group leader.

Handout 4.5 Access to Information and Privacy

Reading for Details / True and False Quiz

Use pages 68-71 in the *Citizenship Handbook* to decide whether the statements below are true (T) or false (F). Circle your answer. The first one is done for you.

1. Canada has both federal and provincial laws that help protect a citizen's privacy. (p 68) (T) (F)
2. Citizens have no right to ask for or to get information that is under government control. (p 68) (T) (F)
3. Citizens can see government information about themselves, but they cannot see personal information about other people. (p 69) (T) (F)
4. Canadian government officials can gather private information about anyone, and do not need a good reason to do this. (p 69) (T) (F)
5. In Canada, the police can never collect information about someone unless they tell that person they are collecting it. (p 69) (T) (F)
6. Government officials collect personal information about your health before they give you a driver's licence. (p 70) (T) (F)
7. When citizens see information the government has collected about them, they can usually correct any errors they find. (p 70) (T) (F)
8. Both the federal and provincial governments must obey orders made by their information and privacy commissioners. (p 71) (T) (F)
9. Laws giving us access to government controlled information help us to find out what our MPs and MLAs are doing. (p 68) (T) (F)
10. Under BC's *Privacy Act*, if someone violates your right to privacy, you can take that person to court. (p 71) (T) (F)

Handout 4.6 Different Places Protect Different Rights

These people all want to do something to protect their rights. Find the best agency or law to help them, and put its letter in the right (). The first one is done for you.

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|---|---|
| <p>1. Jean White wants a divorce from her drunken husband, but she cannot afford a lawyer. (D)</p> | <p>A. The Office of the Information and Privacy Commissioner for B. C. (p 71)</p> |
| <p>2. John Chen wants to complain about a police officer who insulted him and swore at him in front of his family when he asked about a parking ticket. ()</p> | <p>B. B. C. Human Rights Commission (p 67) (or equivalent agency)</p> |
| <p>3. Joan Diaz wants to find out why nobody asked her permission before her personal health records were copied by a B. C. professor doing research on women and AIDS. ()</p> | <p>C. The Ombudsman (B. C.) (p 72)</p> |
| <p>4. Susan Cowan lost her job selling insurance and thinks she was discriminated against because of her sex. ()</p> | <p>D. B. C. Legal Aid (p 74)</p> |
| <p>5. Ronald Nash wants some new legal materials for his grade 11 law class but the school has no money in its budget to pay for this. ()</p> | <p>E. Small Claims Court (p 75)</p> |
| <p>6. Ted Huang wants to see the guidelines used by federal Fisheries officials to limit fishboat licences when fish stocks are low. ()</p> | <p>F. <i>The Charter of Rights and Freedoms</i> (pp 60 - 62)</p> |
| <p>7. Larry Sosa paid \$4,000 to have his house painted. The work was badly done, and he wants to get back some of the money he paid to the painters. ()</p> | <p>G. <i>Access to Information Act</i> (federal) (p 68)</p> |
| <p>8. Ron Watanabe told his lawyer how the bank treated his trust funds and asked the lawyer if a crime had been committed. ()</p> | <p>H. <i>B. C. Police Act</i> (p 72)</p> |
| <p>9. Greg Fox thinks B. C. government officials treated him badly when they refused to let him remove land from an agricultural reserve. ()</p> | <p>I. People's Law School (p 75)</p> |
| <p>10. A new religious group wants to use a public park for its services until it builds a church. The city says no religious services can be held in the park. The church wants to sue the city. ()</p> | <p>J. <i>The Criminal Code</i> (pp 63-65)</p> |

Handout 4.7

Understanding the *Criminal Code*

Reading for Details

(Citizenship Handbook - pp 63 - 65)

For each sentence below, fill in the correct word from *The Citizenship Handbook* pages noted. Write the word in the answer column, where you already have the correct first letter.

1. Among other things, the *Criminal Code* tells us what actions are ___?___ in Canada. C _____
(pp 63, 64)
2. Government lawyers must prove beyond a ___?___ doubt that the accused person committed the crime. R _____
(pp 64, 65)
3. Sometimes Crown Counsel will decide that it is not in the public ___?___ to charge someone with a crime. I _____
(p 65)
4. The *Criminal Code* defines ___?___ and minimum penalties for most crimes. M _____
(p 64)
5. If the police think someone has committed a crime, they will ___?___ to see what evidence they can collect. I _____
(p 65)
6. If the evidence of guilt does not convince a judge or jury, then the accused is ___?___ of the crime. N _____
(p 64)
7. After the police lay a charge against someone, they ___?___ that person and take him or her to court. A _____
(p 65)
8. An accused person who cannot afford to pay a lawyer may be able to get one from ___?___ ___?___. L _____
(pp 64, 74)
9. ___?___ ___?___ are government lawyers who argue in court that the accused person is guilty. C _____
(p 65)
10. A popular U.S. television program about both the police and the courts is called "Law and ___?___". O _____
11. "___?___ ___?___" includes the procedures set out in the *Criminal Code* that we can use to defend ourselves if we are accused of a crime. D _____
(pp 63, 28)
12. Crown Counsel need a lot of convincing ___?___ to prove beyond a reasonable doubt that the accused is guilty of a crime. E _____
(p 65)

Handout 4.8A

Law and Order: Learning about a Criminal Trial *

Use the facts below and ask questions to find out about the person named on your sticker. Decide who that person is.

Judge

- decides if the accused is guilty or not guilty when there is no jury
- tells the jury what their job is
- settles legal arguments between lawyers
- sentences the accused if she or he is found guilty
- is called *Your Honour* in Provincial Court, and *My Lord* or *My Lady* in Supreme Court

Court Clerk / Recorder

- assists the Judge
- makes a record of everyone's name and the time things happen during the trial
- 'swears in' the witnesses, that is, makes them promise to tell the truth
- operates courtroom recording equipment so that transcripts, if required, can be produced by transcript companies
- takes care of evidence exhibited during the trial

Deputy Sheriff

- takes prisoners from jail to court, and takes care of them in court
- makes sure the courtroom and courthouse are safe for everyone who is there
- tells people to come for jury duty and protects those on jury duty

Jury

- listens to the evidence and decides if the accused is guilty or not guilty
- is made up of 12 people in criminal cases, and 8 people in civil cases

Crown Counsel

- a lawyer who works for the government
- presents evidence gathered by the government against the accused person
- tries to prove the accused is guilty beyond a reasonable doubt

Defence Counsel

- a lawyer hired to defend the accused person
- tries to find problems with the Crown's evidence and to raise reasonable doubts about the guilt of the accused
- tries to show that Crown Counsel has not proven the case against the accused

Witnesses

- tell the court what they saw and heard related to the crime, and whatever other facts they know about the case
- promise to tell the truth
- can include the victim of the crime
- sit outside the courtroom when other witnesses testify

Accused

- the person 'on trial'
- the person charged by the 'Crown' (the government) with breaking a law
- presumed innocent until proven guilty on the evidence in court

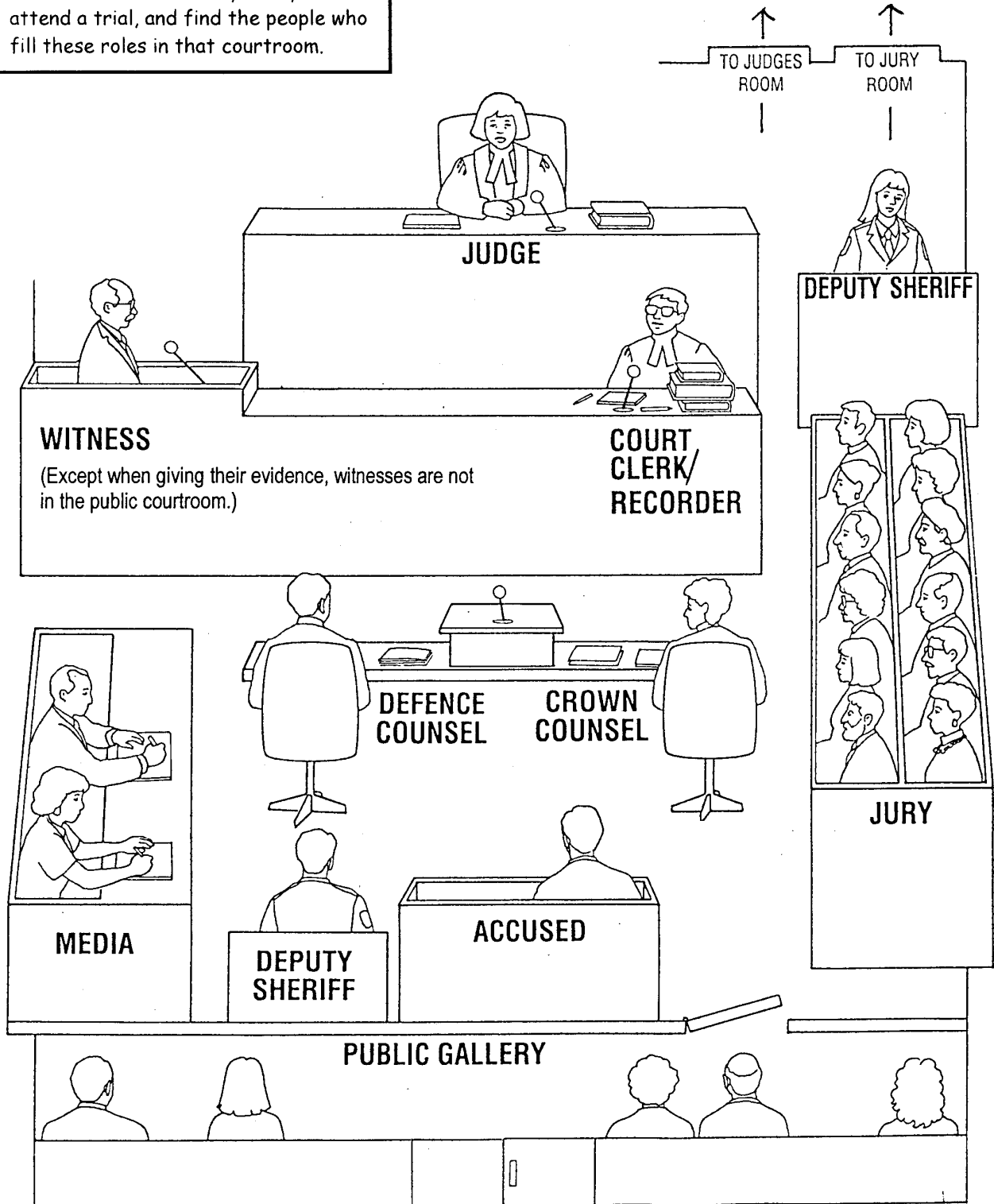
*Adapted from *BC's Legal System*, published by The Law Courts' Education Society & The Legal Services Society. See the Resources section of this GUIDE for contact numbers for these organizations.

Handout 4.8B

Law and Order: Learning about a Criminal Trial

Use Handout 4.8A to review what these people do during a criminal trial. Take this handout with you if you attend a trial, and find the people who fill these roles in that courtroom.

This diagram is adapted from *BC's Legal System, A Guide to the Wall Charts*, published by the Law Courts Education Society and the Legal Services Society



Handout 4.9 Questions about a Criminal Trial

Answer the questions by putting the letter of the right person in the () after the question. You can use a person more than once.

- | | |
|---|----------------------------|
| 1. Who tries to prove that the accused is guilty? () | |
| 2. Who are the 12 people who decide if the accused is guilty in a criminal trial? () | (a) Judge |
| 3. Who tells the jury what its job is? () | (b) Court Clerk / Recorder |
| 4. Who defends the accused? () | (c) Accused |
| 5. Who tell the court what they saw and heard and what else they know? () | (d) Deputy Sheriff |
| 6. Who is presumed innocent until proven guilty at the trial? () | (e) Crown Counsel |
| 7. Who operates recording equipment in case a transcript is needed? () | (f) Jury |
| 8. Who takes care of the prisoners when they are in the courtroom? () | (g) Defence Counsel |
| 9. Who swears in the witnesses? () | (h) Witnesses |
| 10. Who sentences the accused once she or he is found guilty? () | |

Handout 4.10 Know Your Rights - Use the *Citizenship Handbook* Reading for Details

Fill in the blanks in these sentences by using the information in the *Citizenship Handbook* on the pages shown in ().

1. Name two typical remedies for someone whose rights have been violated. (p 59)
_____ and _____
2. Describe two ways the *Criminal Code* helps protect Canadians. (p 63)
_____ and _____.
3. During a criminal trial, the accused has certain rights to make sure that his or her trial is a fair one. Name two of those rights. (p. 64)
_____ and _____
4. Human rights laws protect you from being discriminated against because of your race, colour, and national or ethnic origin, and what else? (p 66)
_____, _____, _____, and _____.
5. What orders can a human rights commission make to help a person who has been discriminated against? (p 67)
_____ and _____.
6. When can the government deny you the right to see information it has about you in its files? (p 69)
_____ and _____.
7. Name two agencies that watch the actions of the government and in some cases make public reports about what the government does. (p 72)
_____ and _____
8. Name two places where you can get legal advice or legal education materials for a very low price - or free. (pp 74 and 75).
_____ and _____.