

The Charter is for Everybody: A Guide to Understanding your Rights

Video #5

Equality Rights

Before embarking on any discussion

- As newcomers arrive from many different realities it is important to be mindful of cultural differences and sensitivities that may affect their understanding or interpretation of rights and freedoms.
- It is important to foster an open and respectful environment where participants feel comfortable asking questions or sharing perspectives.
- Use the document *Before Watching the Videos: important information on using the videos*. This document will guide you on how to use the following videos and documents. It will also offer suggestions on introductory questions and discussions to determine what your audience already knows about the *Charter*.

Objective

This workshop looks to help newcomers to Canada draw personal connections from the videos to their own lives and to understand the relevance of the content in their own lives. Also, participants can compare their personal experiences in their home countries (for e.g. regarding freedom of expression, freedom of religion, equality, etc.) to the Canadian experience.

By the end of this workshop, newcomers should be able to:

- understand the purpose of the *Canadian Charter of Rights and Freedoms*
- be able to identify key rights and freedoms the *Charter* guarantees
- discuss its role in Canadian society and its significance in their lives

Materials Needed

- Document: **Before Watching the Videos: important information on using the videos.**
- Computer for showing Video #5
- Document: **Possible Cases to Discuss**
- Document: **Statue #5: Equal Before the Law**
- Document: **Various Organizations**
- Document: **Scenarios - Identify the Charter section (answers)**
- Document: **Scenarios - Identify the Charter section (participants)**
- Document: **Scenarios - Identify the Charter section (cut-outs)**

Leading the Workshop

1. Begin by giving a brief description of the following video:
Video #5: Equality Rights explores section 15 of the *Canadian Charter of Rights and Freedoms*, and how all people in Canada are equal before and under the law.
2. Play **Video #5: Equality Rights**
3. Once the video is over, take the time to go over the key points of the video (the overview provided below can help with this). Ask if there are any questions, or elements that need to be reexplained or clarified. If needed, you can re-read what the *Charter* states in **Section 15**.
4. Continue by exploring the provided discussion questions and activities. It is not necessary to explore each question or activity, you can make choices based on the needs and interests of your participants. For each there are provided discussion points, important considerations and information to help lead the conversation.
5. *Important: Remember that participants are invited to share personal experiences. Remind them that this participation is on a voluntary basis, and that the workshop is a safe place to share, free from judgement.*

Overview

Video #5: Equality rights explores section 15 of the *Canadian Charter of Rights and Freedoms*, and how all in Canada are equal before and under the law.

Key points:

- ❖ Section 15 of the *Charter* states that all laws should be applied equally, and it prohibits discrimination based on enumerated grounds (race, national or ethnic origin, colour, religion, sex, age or mental or physical disability) and analogous grounds (non-citizenship, marital status, sexual orientation, Aboriginality-residence, and non-resident status in a self-governing Indigenous community). Enumerated grounds are mentioned specifically in the *Charter*, and analogous grounds have been interpreted by the courts as protected by the *Charter*, even though they are not specifically mentioned in the *Charter* text.
- ❖ Laws should not discriminate, but rather protect from discrimination. There is one system of law for all people in Canada.
- ❖ If one does encounter discrimination, there are laws that protect your rights and systems in place to seek recourse.

What the *Charter* says

Section 15 of the *Canadian Charter of Rights and Freedoms* states:

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Possible discussion questions	Information and ideas to guide the discussion
<p>Section 15 of the <i>Charter</i> protects against discrimination. When written in 1982, the <i>Charter</i> identified the following types of discrimination: <i>discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.</i></p> <p>However, today we recognize other types of discrimination. What might they be? Have you ever had experience with any form of discrimination?</p>	<p>The Canadian legal system is in constant evolution and changes are made as society evolves. Today we recognize that discrimination comes in many forms, and is not limited to what was written in the <i>Charter</i>.</p> <p>For example, one could explore the Canadian Human Rights Act which lists 11 grounds of discrimination: race; national or ethnic origin; colour; religion; age; sex; sexual orientation; marital status; family status; disability; and a conviction for which a pardon has been granted or a record suspended.</p> <p>(See the overview above for a list of analogous grounds that are protected by the <i>Charter</i>.)</p>
<p>Even though the <i>Charter</i> protects against discrimination, newcomers may face discrimination in the workplace based on their ethnicity, race, or national origin.</p> <p>What are examples of cases and treatment that go against your rights? What can you do in such cases?</p>	<p>It is important for newcomers to understand that they may face discrimination in cases that involve disputes over fair treatment, harassment, wrongful termination, or denial of employment rights. Discuss what these cases may look like.</p> <ul style="list-style-type: none"> ● Discrimination and harassment ● Wrongful dismissal ● Unfair treatment ● Workplace accommodations ● Contract disputes ● Workplace safety ● Immigration Status and Employment Rights <p>It is also important for newcomers to understand that they have rights in these cases and have different avenues of recourse. Give them access to the Document: Various Organizations. Also, you can refer them to the following website from the Government of Canada on work permits.</p> <p>https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/start-working.html</p> <p>You can also explain that the Ontario Human Rights Code protects against discrimination in various areas, including housing and employment. If they experience discrimination in one of the protected social areas (including employment, housing, services such as education and healthcare, contracts, and professional associations), they can launch a complaint with the Ontario Human Rights Tribunal.</p>

<p>What is the Notwithstanding Clause of the <i>Charter</i>? What impact can that have on cases of equality and discrimination?</p>	<p>For this question you can use the example of Law 21 that is found in the Document: Cases to Study. The Canadian Constitution and the <i>Charter</i> offer rules that all levels of government in Canada have to follow. The courts can determine whether or not a law or government action respects those rules. If a law is ruled unconstitutional, there are various remedies available, including changing the law or striking it down entirely.</p> <p>However, Section 33 of the <i>Charter</i>, entitled the Notwithstanding Clause, allows the government to override certain sections of the <i>Charter</i> (sections 2 and/or 7-15) for a period of up to five years, and it has been used several times by certain provinces. It does not apply to democratic rights, mobility rights or language rights.</p>
<p>In Video #5, they introduced the statue Equal Before the Law found in the McMurtry Gardens of Justice in Toronto. The statue shows a lion and a lamb balanced on a scale. What is the significance of this in the Canadian justice system? How is this important as a newcomer to Canada?</p>	<p>Document: Statue #5 -Equal Before the Law</p> <p>The guide includes a picture of the statue; participants can reflect on their own interpretations of the statue.</p> <p>Invite participants to share personal experiences or observations related to equality and discrimination.</p> <p>Encourage them to think about how the principles in Section 15 might influence their interactions with the legal system and their rights as Canadian residents.</p>
<p>Possible activities</p>	
<p>This section offers ideas for further exploration of Section 15 of the <i>Charter</i>. The goal of these activities is to allow for the workshop to be more interactive.</p>	
<p>1. Identifying the proper section of the <i>Canadian Charter of Rights and Freedoms</i></p> <p>In this activity, the goal is to have participants review what they have learned about the <i>Charter</i> to date. This activity may be done in a variety of manners. Here are a few options:</p> <ol style="list-style-type: none"> a. Give the participants a copy of the Document: Scenarios - Identify the Charter section (participants). Have them fill out the table, to the best of their ability. Then use the Document: Scenarios - Identify the Charter section (answers) to go over their choices. b. For a more interactive option, place the participants in small groups. Make a copy of the Document: Scenarios - Identify the Charter section (cut outs) for each group and cut out the scenarios and answers. Have the groups work together to match each scenario with the correct answer. Take time to then review the scenarios and correct responses. 	
<p>2. Explore the statue Equal Before the Law and the McMurtry Gardens of Justice through a virtual tour https://artandthecourts.ca/en/garden/equal-before-the-law/.</p>	