Community Law School (Sarnia-Lambton) Inc.

Legal Literacy Activity Form

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Legal Literacy Activity Title: The Canadian Human Rights Act: Who is covered, What is discrimination, What are Prohibited Grounds?

Date Developed: November 19, 2019

Learner Name:

Date Started: **Date Completed:**

Legal Literacy Activity Description: The learner will read the attached Study Guide Sheet from the Community Law School and review short case studies in order to answer questions about what employers and service providers are covered under the *Canadian Human Rights* Act and what are prohibited grounds of discrimination under the *Act*.

Materials Required:

- **Pen or pencil and paper**

Instructor preparation: Read over the learner instructions with the learner and check for understanding.

Legal Literacy Activity Title: The Canadian Human Rights Act: Who is covered, What is discrimination, What are Prohibited Grounds?

Legal Literacy Activities:

<u>Task #1.</u> Please read the Study Guide attached to this Activity.

<u>Task #2</u> Please read the attached case study and prepare written answers to the questions following.

<u>First Federal Bank</u>

Joe has muscular dystrophy and uses an electric wheelchair for mobility. He recently moved to Sarnia, Ontario and stopped into the local branch of the First Federal Bank to withdraw some money from one of his accounts. Although his wheelchair fit through the front door, once he was inside he could not see above any of the tellers' counters and could not fit through any of the office or cubicle doors. Joe did not want to have to conduct his personal banking business in the public lobby, so he left in frustration.

a) Is the Bank discriminating against Joe?

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b) If The Bank is discriminating against Joe, what is the grounds of the discrimination?

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c) Is the First Federal Bank a service or industry that is covered by the Canadian Human Rights Act?

Task #3 **Please read the attached case study and prepare written answers to the questions following.**

Friendly Food Hut

Ed and Sally went out breakfast at their favourite local diner, the Friendly Food Hut. It was the first time they took their 3-month-old baby, Lisa, to the Hut. The three of them settled into a booth, and Lisa slept quietly in her baby carrier. Ed and Sally were looking at the menu when the manager came over and quietly asked them to leave. "We have a lot of older folks who are regulars, and they hate it when babies start to scream and fuss.", he said. Disappointed and angry, Ed and Sally picked up Lisa and left without their breakfast.

a) Is the Friendly Food Hut discriminating against Ed, Sally, and Lisa?

b) If the Hut is discriminating against them, what is the grounds of the discrimination?

c) Is the Friendly Food Hut a service or industry that is covered by the Canadian Human Rights Act?

Task #4 **Please read the attached case study and prepare written answers to the questions following.**

First Aboriginal Reserve

Louise is a member of the First Aboriginal Reserve. She has been going to school and living in Toronto for several years. Armed with a degree in social work and convinced that LGBTQ+ First Nations persons like herself need stronger support networks, Louise decided to move back to the Reserve. However, when she tried to rent an office on Reserve land, she was told: "We don't want your kind here stirring up trouble". Louise rented space outside of the Reserve, but still wants an office on the Reserve where she can support residents there.

a) Is the First Aboriginal Reserve discriminating against Louise?

b) If the Reserve is discriminating against her, what is the grounds of the discrimination?

c) Is the Reserve an organization or entity that is covered by the Canadian Human Rights Act?

Legal Literacy Activity Title: The Canadian Human Rights Act: Who is covered, What is discrimination, What are Prohibited Grounds?

Answers for Legal Literacy Activities:

Task #1.

The learner will read the attached Study Guide.

Task #2 First Federal Bank

Joe has muscular dystrophy and uses an electric wheelchair for mobility. He recently moved to Sarnia, Ontario and stopped into the local branch of the First Federal Bank to withdraw some money from one of his accounts. Although his wheelchair fit through the front door, once he was inside he could not see above any of the tellers' counters and could not fit through any of the office or cubicle doors. Joe did not want to have to conduct his personal banking business in the public lobby, so he left in frustration.

a) Is the Bank discriminating against Joe?

Yes, the Bank is discriminating against Joe. Other patrons who are not using wheelchairs are able to conduct their business at the counter and/or in an office or cubicle. Because the counters are too high and the office and cubicle openings are too narrow, Joe cannot receive the same types of services as other bank patrons who do not use a wheelchair.

b) If The Bank is discriminating against Joe, what is the grounds of the discrimination?

Joe relies on a wheelchair for mobility. The ground of the discrimination is physical disability.

c) Is the First Federal Bank a service or industry that is covered by the Canadian Human Rights Act?

Yes. Chartered Banks are a federally regulated industry and therefore subject to the Canadian Human Rights Act.

Task #3 Friendly Food Hut

Ed and Sally went out breakfast at their favourite local diner, the Friendly Food Hut. It was the first time they took their 3 month old baby, Lisa, to the Hut. The three of them settled into a booth, and Lisa slept quietly in her baby carrier. Ed and Sally were looking at the menu when the manager came over and quietly asked them to leave. "We have a lot of older folks who are regulars, and they hate it when babies start to scream and fuss.", he said. Disappointed and angry, Ed and Sally picked up Lisa and left without their breakfast.

a) Is the Friendly Food Hut discriminating against Ed, Sally, and Lisa?

Yes, the restaurant is discriminating against Ed, Sally, and Lisa by asking them to leave so that Baby Lisa won't disturb other, older customers if she starts to cry. Other customers may also be loud or disturb others, but they aren't being monitored and ejected from the restaurant in the way Ed, Sally, and Lisa are.

b) If the Hut is discriminating against them, what is the grounds of the discrimination?

The ground of the discrimination is family status (married with an infant), and possibly also age (Lisa is a baby).

c) Is the Friendly Food Hut a service or industry that is covered by the Canadian Human Rights Act?

No. Restaurants are governed by provincial and local laws and governments, not by the federal government. The recourse for this family would be under provincial human rights laws, not the federal Act.

Task #4 First Aboriginal Reserve

Louise is a member of the First Aboriginal Reserve. She has been going to school and living in Toronto for several years. Armed with a degree in social work and convinced that LGBTQ+ First Nations persons like herself need stronger support networks, Louise decided to move back to the Reserve. However, when she tried to rent an office on Reserve land, she was told: "We don't want your kind here stirring up trouble", even though there was plenty of empty office space available. Louise rented space outside of the Reserve, but still wants an office on the Reserve where she can support residents there.

a) Is the First Aboriginal Reserve discriminating against Louise?

Yes, the Reserve is discriminating against Louise. Others have been allowed to rent on the Reserve, and there was office space available, but the Reserve perceived her as a troublemaker and refused to rent to her.

b) If the Reserve is discriminating against her, what is the grounds of the discrimination?

The ground of the discrimination is sexual orientation, and possibly gender, gender identity, or gender expression. Louise identifies herself as LGBTQ+, and the Reserve refused her request to rent on that basis.

c) Is the Reserve an organization or entity that is covered by the Canadian Human Rights Act?

Yes, First Nations government, as well as some First Nations organizations, are covered by and subject to the Act.

Legal Literacy Activity Title: The Canadian Human Rights Act: Who is covered, What is discrimination, What are Prohibited Grounds?

These Legal Literacy Activities: were successfully completed___ need to be tried again___

Learner Comments

_____ _____

Instructor (print and signature) **Learner Signature**

COMMUNITY LAW SCHOOL (SARNIA-LAMBTON) INC.

STUDY GUIDE SHEET

Introduction to the Canadian Human Rights Act

1. What service providers and employers are covered by the Canadian Human Rights Act?

The Canadian Human Rights Act covers matters and activities that are regulated and controlled by the federal (not provincial) government and laws. These include:

- Federal Departments (e.g., Passports, Canada Pension Plan, Immigration), Agencies, and Crown Corporations–including the Canadian Armed Forces and the RCMP;
- Chartered banks;
- Airlines;
- TV and radio stations;
- Interprovincial telephone and communication companies;
- Buses and railways that travel between provinces;
- Interprovincial or international transportation of goods;
- First Nations governments and some First Nations organizations; and
- Other federally regulated industries such as uranium mining and grain handling.

2. What is "discrimination'?

Discrimination means treating people differently, negatively, or adversely (whether intentionally or not) because of the personal characteristics of the individual or the group (e.g., race, age, gender, religion, sexual orientation, ethnicity, etc). Discrimination has the effect of imposing burdens or obligations, or of withholding or limiting access to opportunities, benefits, and advantages, that are readily available to others who do not share the characteristic that prompts the discrimination.

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3. What are the Prohibited Grounds of Discrimination under the Canadian Human Rights Act?

The Act identifies the **personal characteristics**, or **grounds**, upon which discrimination is prohibited. The discriminatory action must fall under (or be directly related to) one of these grounds in order for there to be a valid human rights claim under the Act.

These grounds of discrimination are:

- race;
- national or ethnic origin;
- colour;
- religion;
- age;
- sex (gender);
- sexual orientation;
- gender identity or expression;
- marital status;
- family status;
- physical or mental disability (including dependence on alcohol or drugs);
- genetic characteristics; and
- pardoned criminal convictions.

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