



Community Law School (Sarnia-Lambton) Inc.

## Legal Literacy Activity Form

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Please note: This Legal Literacy Activity Form has not been reviewed and approved by the Ontario Task Based Activity Portal Committee

**Legal Literacy Activity Title:** The Canadian Human Rights Act: What Kinds of Actions are Prohibited Under the Act, and what Defences Are There?

**Date Developed:** December 10, 2019

**Learner Name:**

**Date Started:**

**Date Completed:**

**Legal Literacy Activity Description:** The learner will use an internet search engine to locate the website of the Canadian Human Rights Tribunal and its information about discriminatory practices and defences under the *Canadian Human Rights Act*. After reviewing this, the learner will answer some questions about the readings.

**Materials Required:**

- Pen or pencil and paper
- Access to a computer and the internet

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

**Legal Literacy Activity Title: The Canadian Human Rights Act: What Kinds of Actions are Prohibited Under the Act, and What Defences Are There?**

**Legal Literacy Activities:**

**Task #1.** Using an internet search guide (such as Google) locate the website of the Canadian Human Rights Tribunal (CHRT). On the website homepage, find the “Procedures” tab, and open the “Guide to CHRT” link. Read Section 1, and parts A, B, C and D under Section 2. Then please consider each of the following Case Studies and answer the questions at the end each of them.

**Task #2.** Please consider the following Case Study and prepare written answers to the questions that follow.

**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. First Federal Bank is subject to the Canadian Human Rights Act. 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.

**1. The Canadian Human Rights Act prohibits discrimination on the grounds of disability. What discriminatory practice is the Bank engaging in that violates Joe’s rights?**

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**2. There are some defences to a discrimination complaint under the Act. Do any of these defences apply to the situation with the Bank and Joe’s inability to access services there?**

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**Task #3.** Please consider the following Case Study and prepare written answers to the questions that follow.

**Friendly Food Hut**

Ed and Sally went out breakfast at their favourite local diner, the Friendly Food Hut. They didn't notice the sign in the window that said "Children under five not welcome here" as they walked in. It was the first time they took their new 3 month old baby, Lisa, with them 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, pointed to the sign, 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.

**1. Ed, Sally, and Lisa have the right to not be discriminated against on the basis of their family status. What discriminatory practice is the Friendly Food Hut engaging in that violates their rights?**

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**2. There are some defences to a discrimination complaint under the Act. Do any of these defences apply to the situation with the Hut, its sign, and Ed and Sally's family status?**

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**Task #4.** Please consider the following Case Study and prepare written answers to the questions that follow.

**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 LGBTQ+ residents there.

**1. The First Aboriginal Reserve is subject to the Canadian Human Rights Act. What discriminatory action is the Reserve engaging in that violates Louise’s rights?**

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**2. There are some defences to a discrimination complaint under the Act. Do any of these defences apply to the situation with the Reserve and Louise’s inability to rent office space there?**

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**Legal Literacy Activity Title: The Canadian Human Rights Act: What Kinds of Actions are Prohibited Under the Act, and What Defences Are There?**

**Answers for Legal Literacy Activities:**

**Task #1**

The learner will locate and read the Canadian Human Rights Tribunal website sections.

**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. First Federal Bank is subject to the Canadian Human Rights Act. 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.

- 1. The Canadian Human Rights Act prohibits discrimination on the grounds of disability. What discriminatory practice is the Bank engaging in that violates Joe's rights?**

As a disabled person using a wheelchair, Joe has the right to be able to access services and facilities just like his ambulatory friends and others can. The Bank's lack of access for wheelchairs and other mobility aids inside the building is treating him unfavourably in offering services, facilities, and accommodations available to ambulatory customers but not to Joe or people like him.

- 2. There are some defences to a discrimination complaint under the Act. Do any of these defences apply to the situation with the Bank and Joe's inability to access services there?**

Some small business and service providers may be able defend their lack of access and accommodation on the fact that they are small, and/or don't generate enough income or profit to be able to afford the costs of remodeling and construction required to make their premises accessible. Given the size and national reach of the Bank, it is not likely that this defence would be available to the Bank. There are no other defences under the Act that might apply to the Bank in this situation.

**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. They didn't notice the sign in the window that said "Children under five not welcome here" as they walked in. 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, pointed to the sign, 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.

**1. Ed, Sally, and Lisa have the right to not be discriminated against on the basis of their family status. What discriminatory practice is the Friendly Food Hut engaging in that violates their rights?**

Family Status is a protected characteristic under the Act. By refusing service to them because they brought their infant daughter with them, the Hut and its owner are treating them unfavourably both by denying them goods and services available to those without children under age five, and by displaying a public sign that expresses or implies discrimination.

**2. There are some defences to a discrimination complaint under the Act. Do any of these defences apply to the situation with the Hut, its sign, and Ed and Sally's family status?**

There are no *bona fide* justifications for refusing to serve the family just because they brought a small child with them to the diner. There is nothing in the nature of a diner that causes any hardship, financial or otherwise, or creates an excuse for not treating all customers alike.

#### **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 the LGBTQ+ residents there.

**1. Louise has the right to not be discriminated against on the basis of her sexual orientation, or her race or ethnic origin. What discriminatory action is the Reserve engaging in that violates Louise's rights?**

Louise has been denied the right to rent a commercial office on the Reserve because she is a member of the LGBTQ+ community, and further because she seeks to offer services on the Reserve to support residents there who are also LGBTQ+. This is treating her, and others on the Reserve, differently than non-LGBTQ+ persons who want to rent space on the Reserve.

**2. There are some defences to a discrimination complaint under the Act. Do any of these defences apply to the situation with the Reserve and Louise's inability to rent office space there?**

If there were no available offices or similar commercial spaces open and available for rent on the Reserve, it might have a defence. However, it refused to rent to Louise even though it had the space she sought available, so there is no apparent defence to their refusal to allow her to establish her office there.

**Legal Literacy Activity Title: The Canadian Human Rights Act: What Kinds of Actions are Prohibited Under the Act, and What Defences Are There?**

**These Legal Literacy Activities:** were successfully completed \_\_\_ need to be tried again \_\_\_

**Learner Comments**

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**Instructor (print and signature)**

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**Learner Signature**