

Discrimination at School?

Teaching Guide

Reflection on
Discrimination and
Reasonable
Accommodations





Éducaloi is an independent non-profit organization that explains the law to Quebecers in everyday language.

IMPORTANT NOTICE

The law changes. The information in this guide is up to date to **September 2024**. This guide is meant as legal information, not legal advice. If you need advice on a specific situation, consult a lawyer or notary.

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Presentation of the Activity

Description	<p>This activity covers discrimination and reasonable accommodations from a legal perspective. The students will analyze real court cases involving requests for reasonable accommodations and the reasons why these cases were accepted or dismissed. As part of this activity, they will study both the Canadian and Quebec Charters, which guarantee citizens' rights and freedoms. The students will compare their perceptions and reflect on the guidelines for reasonable accommodations in Quebec, particularly at school.</p>
Target audience	Secondary Cycle 1 and Cycle 2 students.
Summary	<p>The students read the Scenario in which parents report that their child has been discriminated against at school.</p> <p>The students begin by becoming familiar with the notions of discrimination and reasonable accommodations. They will also learn about the various protections offered by the Canadian and Quebec Charters.</p> <p>In groups, they will analyze real court cases and the decisions rendered in those cases.</p> <p>Lastly, they will analyze similar situations and use a table to determine whether each situation involves discrimination and whether a requested accommodation measure is reasonable.</p>

<p>Subjects and subject-specific competencies</p>	<p>Culture and Citizenship in Québec</p> <p>Secondary II</p> <p><u>Theme (Cultural Realities):</u> Democracy and social order</p> <p><u>Main concept:</u> Rights and responsibilities</p> <p><u>Specific concepts (compulsory):</u> Collective interests (collective rights), minority and majority, women’s rights</p> <p>Secondary IV</p> <p><u>Theme (Cultural Realities):</u> Justice and the law</p> <p><u>Main concepts:</u> Injustice and Legal and judicial institutions</p> <p><u>Specific concepts (compulsory):</u> Discrimination, Charters of rights and freedoms</p> <p>Secondary V</p> <p><u>Theme (Cultural Realities):</u> Social groups and power relations</p> <p><u>Main concepts:</u> Social inequalities</p> <p><u>Specific concepts (compulsory):</u> Sexism and Racism</p> <p>Competency 1: Studies cultural realities.</p> <p><u>Analyze social relation:</u></p> <ul style="list-style-type: none"> • Characterizes relations between individuals, groups and institutions. • Situates these relations in time and space. <p>Competency 2: Reflects on ethical questions.</p> <p><u>Discerns the ethical dimensions of a situation:</u></p> <ul style="list-style-type: none"> • Describes a situation. • Calls on relevant information and concepts. • Identifies existing tensions. <p>English Language Arts</p> <p>Competency 2: Represents their literacy in different media.</p>
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Duration	Three 75-minute periods Possibility of a fourth 75-minute period to give more time to review the activity and/or to complete the optional integration activity.
Provided material	A Teaching Guide which includes the following: <ul style="list-style-type: none">• Theoretical aspects of discrimination, reasonable accommodations and Charters• Real court cases for students to analyze• Case studies• An enrichment activity A Student Workbook . A PowerPoint presentation .
Material to print	One copy of the Teaching Guide for the teacher. <ul style="list-style-type: none">• One copy of the different case study scenarios per team or per student in each team. One copy of the Student Workbook per student.

In-class Procedure

<p>Period 1 (75 min.)</p>	<p>1. Presentation of the scenario</p> <p>2. Preparation</p> <ul style="list-style-type: none"> • Knowledge activation • Presentation of the assignment <p>3. Theory of the Charters</p> <ul style="list-style-type: none"> • Activity 1: The Charters <p>4. Theory of discrimination</p> <ul style="list-style-type: none"> • Activity 2: The right to equality and freedom from discrimination 	<p>Teaching Guide pp. 9 to 20</p> <p>Student Workbook pp. 4 to 14</p> <p>PowerPoint slides 1 to 27</p>
<p>Period 2 (75 min.)</p>	<p>5. Reasonable accommodation</p> <ul style="list-style-type: none"> • Activity 3: What is a reasonable accommodation? <p>6. Exploring real court cases</p> <ul style="list-style-type: none"> • Activity 4 	<p>Teaching Guide pp.21 to 33</p> <p>Student Workbook pp. 15 to 25</p> <p>PowerPoint slides 28 to 38</p>
<p>Period 3 (75 min.)</p>	<p>7. Case Study</p> <ul style="list-style-type: none"> • Activity 5 	<p>Teaching Guide pp. 34 to 51</p> <p>Student Workbook pp. 26 to 31</p> <p>PowerPoint slides 39 to 42</p>
<p>Period 4 (75 min.)</p>	<p>8. Integration Activity (optional)</p>	<p>Teaching Guide pp. 52 to 59</p> <p>Student Workbook pp. 32 to 36</p>

Scenario

Slides 1 to 3

Present the scenario to the students (page 4 of the **Student Workbook**). The scenario will serve as a guide for the learning activities throughout the LES.

The law firm you work for opened two years ago. The firm has always been very interested in questions of discrimination and reasonable accommodations in Quebec schools. You have been mandated on several occasions to take part in mediation sessions to help parents and school administrators find solutions to different conflicts. Mediation is a process that tries to help two sides to a disagreement find a solution without going to court.



Mediation : A process that allows two parties who are in conflict to find a solution without going to court.

Today, you got a request to accompany parents in a mediation session. They believe their children have been victims of discrimination. You have to do some preparation to represent your clients' interests. For the moment, you only have part of the information about the file. The rest of the information will be given to you soon.



Here is the information you have for now:

- Your clients are parents who believe that their children have been victims of discrimination at school. They want to ask the school to accommodate their children to ensure that their children's rights are respected.
- The school refuses to grant this accommodation request.



YOUR TASK

Will you be able to successfully present your clients' point of view and defend their rights?



Preparation

Slides 4 to 8

Students must answer the questions (individually or in teams) BEFORE the PowerPoint presentation. Afterwards, they will share their answers during a group discussion to help them reflect on the issues.

Answer key to the comprehension questions

Student Workbook, p.5

1. What is discrimination?

Discrimination refers to not respecting someone's right to equality. Discrimination happens when someone is prevented from:

- enjoying the same rights and services as other people*
- because of a personal characteristic mentioned in the Charters. These characteristics are prohibited grounds of discrimination. They include characteristics such as religion, ethnic origins or a disability.*

Discrimination can be direct when someone is deprived of their rights based on a prohibited ground of discrimination. Discrimination can also be indirect. Indirect discrimination happens when a rule that seems fair (applies to everyone in the same way) has the effect of discriminating against some people.

2. What is a reasonable accommodation?

It means accommodating someone by adapting a situation, making changes to help someone enjoy the same rights as others, even if they have a personal characteristic that is different from others.

"Reasonable" means that the adaptation or change shouldn't impose undue (excessive) hardship on the organization being asked to adapt. In particular, the accommodation not :

- be too expensive for the organization,*
- interfere with the proper operation of the organization, or,*
- violate the rights or jeopardize the safety of other people.*

It's also interesting to note that, if a person decides they don't need any particular accommodation measure, there is no issue to work out. Everything depends on how the person feels about the situation.

3. Is it true that accommodation measures are always related to religious issues? Are there other reasons for accommodation measures?

Reasonable accommodations are not always related to religious issues. They can be requested in many situations.

Here are some examples:

- *A disability*
- e.g., letting a blind person be accompanied in a voting booth during elections
- *Pregnancy*
- e.g., letting a pregnant woman take some time off from work for an ultrasound.
- *A medical condition*
- e.g., in a cafeteria, making an allergy-friendly version of a dish.

To answer this question, students can refer to the summary sheet on the Charters in the **Student Workbook**, on page 10.

4. What are the main features of the mediation process?

The people involved in the conflict try to work together to find a solution that suits all.

The mediator, who can be a lawyer or not, helps the people negotiate (unlike a judge who has to impose a decision on the people involved in the conflict).

It might be interesting to mention that not all conflicts end up before the courts: if the people involved can reach a solution on their own or with the help of a mediation, the issue is solved!





Presentation of the assignment

Slide 9

Instructions provided in the **Student Workbook**

First, review the various protections under the Canadian and Quebec Charters (**pp. 8 to 11** of the Student Workbook).

Make sure you have a good understanding of how the Charters define discrimination, and of the principles of reasonable accommodations. As a lawyer, you must clearly explain why your clients have the right to an accommodation measure and why the proposed measure is reasonable (**pp. 12 to 14** of the Student Workbook).

Next, you will be asked to study similar cases that have been presented in court and review the decisions that were made in these cases (**pp. 15 to 25** of the Student Workbook).

Finally, your group must bring the following documents to the mediation session (**pp. 26 to 31** of the Student Workbook):

- The **Legal Analysis Framework table** that will help you determine whether your clients have a right to an accommodation measure. As a lawyer, you must ensure your clients' request is legitimate before presenting it.
- A **case study** based on the perspectives of the various people involved and the values at stake. You are asked to evaluate the possible impact of adopting each position, both on the people directly involved and on society as a whole.

Your teacher will collect these two documents to evaluate your group's work.

The mediation session will take place in a few days. Time to get to work!

Activity 1: The Charters

Slides 10 to 21

Present the theory of the Charters to the students before having them answer the questions on pages 8 and 9 of the **Student Workbook**. Conclude Activity 1 with a class discussion on the Charters, including their limitations and any protections they might not cover.

Comprehension questions

1. What is a charter?

It's a text that guarantees certain human rights and freedoms.

Charters set standards for other laws. This means that other laws must respect charters.

2) Who must respect the Canadian and Quebec Charters?

Canadian Charter of Rights and Freedoms: *the federal and provincial governments.*

Note that this means governments in a large sense (departments, agencies, police officers, public schools, etc.).

Quebec Charter of Human Rights and Freedoms: *individuals in Quebec, the Quebec government and non-governmental organizations (businesses, private schools, etc.).*

3) Name two grounds of discrimination prohibited by the Quebec Charter.

Possible answers:

• Age (except as provided by law)

• Sex

• Ethnic or national origins

• Disability or an aid to cope with a disability

• Civil status (e.g., married, single, divorced)

• Pregnancy

• Religion

• Political beliefs

• Language

• Social status (e.g., rich, poor)

• Race

• Colour

• Gender identity or expression

• Sexual orientation

4) Identify one difference between the Canadian and the Quebec Charters (other than the dates the Charters were adopted or came into effect).

The Canadian Charter protects

- *the rights of indigenous people,*
- *rights regarding the use of French and English.*

The Quebec Charter has

- *more explicit protection for privacy rights,*
- *protection for economic and social rights (e.g., free public education and fair working conditions).*

Scenario

Read the summer camps scenario as a class. The scenario can be found on p. 9 of the **Student Workbook**.

At your summer camp, there is only one meal choice today: meat loaf! As a vegetarian, you're not happy. You think eating meat is bad for the environment and bad for your health.



Unfortunately for you, vegetarianism is not one of the grounds of discrimination mentioned in the Quebec Charter. This means it is not a type of discrimination that is against the law.

Dialogue: Are there any additional grounds of discrimination that the Charters should address?

1. Despite what the law and the Charters provide, do you think this situation is unjust? Why or why not?

Possible answers

Yes: *Just because it's legal doesn't mean it's fair.*

Yes: *When we guarantee rights, we should do it in a very complete way, so we can avoid situations like this.*

No: *The camper should have checked the menu before signing up for this camp.*

No: *The government knew what it was doing when it limited the kinds of rights protected by the Charters.*



2. Could vegetarianism fall under another ground of discrimination prohibited by the Quebec Charter? If so, which one (or which ones)?

Possible answers:

- *Some Hindus don't eat meat for religious reasons (religion).*
- *Some people can't eat meat due to illness (disability).*
- *A vegetarian who advocates for the protection of animals (political beliefs).*

(These examples don't necessarily reflect what the law currently says.)

3. In your opinion, should vegetarianism be considered a prohibited ground of discrimination under the Quebec Charter?

Possible answers:

Yes: *There is a lot of prejudice against vegetarianism and we need to fight this prejudice.*

Yes: *We should respect everyone's choices and differences, even if this makes the Charter more complex.*

No: *For the most part, vegetarians are not victims of prejudices or stereotyping.*

No: *This would open the door to more and more grounds of possible discrimination. The Charter would become so complicated that it would be ineffective.*

4. Can you think of other grounds of discrimination that should be prohibited?

Possible answers:

- *Clothing choices, hair colour, etc.*
- *A person's physique (height, weight)*
- *Tastes in music*
- *Food preferences*

Summary sheet on the Charters

The Charters: Instruments for protecting fundamental rights and freedoms

A charter is a text describing the basic human rights and freedoms that a society protects.

In Quebec, there are two charters that protect our rights:

- the *Canadian Charter of Rights and Freedoms* (Canadian Charter). It is part of the Constitution, which is the most important law in the country.
- the *Charter of Human Rights and Freedoms* (Quebec Charter). It is not part of the Constitution. However, in most cases, all other Quebec laws must respect the basic rights mentioned in this charter.

Here are some examples of rights protected by these Charters:

- freedom of speech
- the right to privacy
- the right to be treated equally and without discrimination

Summary Table: The Charters

Quebec Charter	Canadian Charter
Who must respect the Charters?	
<ul style="list-style-type: none"> • Quebec government (e.g., government departments, municipalities, public schools, municipal and provincial police officers) • Businesses, non-governmental organizations (e.g., private schools) • Individual Quebecers 	<ul style="list-style-type: none"> • Quebec government • Canadian government (e.g., government departments, RCMP officers)

Quebec Charter	Canadian Charter
Prohibited grounds of discrimination	
<ul style="list-style-type: none"> • race • ethnic or national origin • skin colour • religion • sex • gender identity or expression • age, unless permitted by the law (e.g., prohibition against selling alcohol or cigarettes to people under 18) • pregnancy • sexual orientation • civil status (e.g., being married or single) • political beliefs • language • social status (e.g., being unemployed) • disability (e.g., being blind) • use of an aid to cope with a disability (e.g., the use of a seeing-eye-dog by a blind person in places where animals are normally not allowed) • No other ground of discrimination is enumerated in the Charter 	<ul style="list-style-type: none"> • race • ethnic or national origin • skin colour • religion • sex • age • physical or mental disability • any other similar characteristic (e.g., the Supreme Court of Canada has added sexual orientation to this list)

Activity 2: Discrimination

The right to equality and freedom from discrimination

Slides 22 to 27

Present the theory of discrimination to the students before having them answer the questions on page 14 of the **Student Workbook**. Conclude Activity 2 with a class discussion of the various answers provided by the students.

Discrimination

Discrimination refers to not respecting someone's right to equality. Discrimination happens when someone is prevented from

- enjoying the same rights and services as other people
- because of a personal characteristic mentioned in the Charters. These characteristics are the prohibited grounds of discrimination. They include characteristics such as religion, ethnic origins or a disability.

See the table on the previous page to learn about the other grounds of discrimination prohibited by the Charters.

Discrimination can either be direct or indirect. The table below explains what we mean by direct discrimination and indirect discrimination

Comparative Table: Direct and Indirect Discrimination

Direct discrimination	Indirect discrimination
Definition	
When a rule or action deliberately deprives a certain group of individuals of a right (by creating a distinction).	When a rule or action applies to everyone in the same way, without directly discriminating, but the impact of the rule prevents some people from exercising their rights like everyone else.
Direct discrimination	Indirect discrimination
Example	
A school board decides to not admit people of colour.	A school board decides that no animals can be in its schools.
Explanation	
This rule prevents certain people from going to school because of the colour of their skin.	At first glance, this rule doesn't target anyone. But blind people who need to use a seeing-eye-dog to move around might be discriminated against.



How do the Charters deal with these types of situations?

Direct discrimination

If a rule is recognized as directly discriminatory, it will be declared invalid. In other words, it will no longer apply.

Indirect discrimination

The Charters allow for special measures called reasonable accommodations. If a reasonable accommodation is possible, the rule will not be invalidated. Rather, its application will be adjusted to fit a specific situation.

Comprehension questions

1. In your own words, what is discrimination?

Possible answer: It means treating someone differently and removing some of that person's rights or preventing that person from enjoying the same rights as other people.

2. Do you think that discrimination is the same thing as intolerance? Explain.

Possible answers:

Yes: *It means treating someone differently and removing some of that person's rights or preventing that person from enjoying the same rights as other people.*

Yes: *Being intolerant means treating others with a lack of respect because you don't agree with their values. Intolerance is therefore a kind of discrimination.*

No: *Sometimes people discriminate without realizing it. The best example of this is indirect discrimination.*

No: *It is possible to be intolerant without discriminating. For example, you might not like another religion, but still respect the people who practice it.*

Activity 3 : Reasonable Accommodation

Slides 28 to 29

Present the theory of reasonable accommodations to students. See page 15 of the **Student Workbook**. Students work in teams to invent a scenario where a request for accommodation doesn't appear "reasonable" and explain why. Students can also briefly present their scenario to the other teams.

Reasonable accommodation: Who? Why? When?

The notion of reasonable accommodation comes from the right to be treated equally and without discrimination. Accommodation involves making an exception for some people so they can enjoy the same rights and services as others.

An accommodation measure should be granted if

- someone makes a request,
- that person is a victim of **indirect discrimination**,
- and the accommodation does not impose **excessive burdens** on the organization being asked to accommodate. This is the "reasonable" aspect of the accommodation. It means that **an accommodation measure must be granted unless**
 - the cost is too high for the organization involved,
 - the measure would interfere with the proper operation of the organization, or,
 - the measure would significantly affect the safety or infringe the rights of other people.

Comprehension question

In groups of two, think of a scenario in which a request for accommodation would not seem "reasonable" to you. Explain your reasoning.

Possible answers:

- *Allowing people to not have photos on their passports because their religion prohibits being in photos. It would be too easy to falsify passports and people's security would be jeopardized.*
- *Letting people hit other people as part of a ritual. The physical integrity of people must be respected.*
- *Requiring a company to invest many millions of dollars to adapt the entirety of its building to meet the needs of a person with a disability.*

It's important for students to say why they think the accommodation is not reasonable. For example, they could explain that the accommodation would be too expensive or would infringe someone's rights. The context of the accommodation is always important.

Activity 4: Exploring Real Court Cases¹

Slides 30 to 38

In this activity, the teacher can decide which of the real court cases to cover in the **Student Workbook** (pp. 16 to 25). You can focus on a single case or analyze all of them. Present the real court cases to students and answer the questions from the Student Workbook as a class.

The Multani case²

The facts

Gurbaj was a high school student who was an orthodox Sikh. Gurbaj sincerely believed that his religion required him to wear a kirpan at all times, including at school. This object couldn't be seen because it was hidden under his clothing. But one day, the kirpan accidentally fell out of his clothing in the school yard.



Kirpan: religious metal object that resembles a dagger. It is worn by certain practicing Sikhs as a reminder to fight against oppression and injustice.

After this incident, the principal told Gurbaj he could not wear his kirpan at school. This reason was that the school's Code of Conduct prohibited the carrying of weapons or dangerous objects at school. The school board, like the principal, refused to let Gurbaj bring his real kirpan to school. However, the board said that he could bring a symbolic kirpan that was not dangerous, for example, a plastic kirpan.

Gurbaj's father did not agree with the school board's proposal. He felt the decision infringed his son's freedom of religion. Gurbaj's father asked a court for a reasonable accommodation measure to allow his son to wear a real metal kirpan at school, one that would be sealed and sewn inside his clothing.

1. The details and reasons for the decisions presented in this guide may have been altered for the purposes of the activities.

2. Summary of *Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6.

The decision

The Supreme Court said that the rule in the Code of Conduct prohibiting the carrying of weapons was valid. It was meant to ensure the safety of students and applied in the same way to everyone. But the rule nevertheless had the effect of preventing Gurbaj from having access to the same services as other students. Why? Because Gurbaj sincerely believed that he couldn't go to school without the metal kirpan required by his religion.



The court said that the school rules resulted in indirect discrimination that could be remedied by an accommodation measure.

After analysing the facts, the court concluded that an accommodation in favour of Gurbaj wouldn't impose excessive burdens on the school. Also, the religious practice in question didn't infringe the rights of other students or compromise their safety:

- No cases of violence involving a kirpan in schools had been reported.
- The goal of the school rule was to ensure a **reasonable** level of safety at school, not **absolute** safety.
- Allowing Gurbaj to wear his real metal kirpan under certain conditions allowed for a reasonable level of safety in the school.

The court decided in favor of Gurbaj. It overturned the decision of the school board and allowed Gurbaj, by way of an accommodation measure, to wear his real kirpan to school under certain conditions: the kirpan had to be in a wooden case and kept securely sealed under his clothes.

Identification of issues and questions for reflection

1. Does this case involve direct or indirect discrimination? What is the prohibited ground of discrimination at issue?

This case involves indirect discrimination because the rule appears to be fair at first glance.

The school's Code of Conduct prohibits anyone from carrying weapons at school out of a concern for safety.

Gurbaj feels he is a victim of indirect discrimination because of his religion. He honestly believes that he can't go to school if he doesn't carry his metal kirpan, as required by his religion. This rule, which appears to be fair to everyone, is preventing him from having access to the same services as the other students.

2. Should we ban all religious symbols in schools? Explain your answer.

Possible answers:

Yes: *The State should be secular. This means that there should be no religious symbols in schools. This is the only way to separate church and State.*

It depends: *The Catholic heritage is important in Quebec. Christian symbols should be tolerated because they are part of Quebec's history.*

No: *The State should be secular. This means schools as institutions should be secular and teachers and principals should be neutral. But students as citizens should be able to wear religious symbols.*

3. In your opinion, what is a desirable level of safety at your school? Absolute safety (no scissors, compasses or hockey sticks), or a reasonable level of safety? Explain your answer.

Possible answers:

Absolute: *There are a lot of accidents and injuries at school, so it's better to have strict rules. As long as the school meets its academic standards, there is no reason to complain about safety rules.*

Reasonable: *Accidents happen in lots of ways. People can get hurt falling on a concrete school yard. A pencil that is too sharp can injure someone. We shouldn't go to extremes to be safe.*

4. Would the decision in the Multani case be the same in a place where there is a low tolerance for risk, for example, in airports? Explain your answer.

No, since airports are not the same as schools. There are more risks to security in airports and a breach of security can have much more serious consequences. Security must be much tighter in an airport.

Context is very important in law. When it comes to reasonable accommodation, you have to look at who is making the request for accommodation, but also at the situation in which the request is made.

The Collège Notre-Dame case³

The facts

Maud was 11 years old. She suffered from a disability that reduced the mobility of her legs. Despite this, she could walk independently and even did some sports, such as swimming and skiing.

As she prepared for high school, Maud, like many of her friends, dreamed of attending Collège Notre-Dame. The school placed a strong emphasis on physical education. For example, the program included one hour of mandatory physical activity every day.

Maud attended the school's open house and successfully completed the entry exams. However, despite passing the exams, her application was denied. The College said that her disability would prevent her from efficiently moving around the school and participating in the mandatory physical education classes.

Maud felt discriminated against due to her disability. The College didn't even consider adapting its education program or school facilities to respond to her particular needs. Maud went to court to challenge Collège Notre-Dame's decision.



The decision

The court recognized the importance that the College placed on physical education (e.g., mandatory physical education courses for all students). While acknowledging that this was a good policy, the court determined that it did not justify excluding all students with physical disabilities. The court found that the physical education program in question was not a specialized sports-study program. It also found that the College's main objective was to offer a general high school education and not to train athletes.

The court concluded that Maud had been a victim of discrimination: the College's refusal to admit her due to her disability prevented Maud from attending the school like other students.

According to the court, the physical abilities of each student should be assessed individually. If it did not impose an excessive burden on the school, the College had an obligation to offer accommodation measures tailored to the physical disabilities of a student.

The court found that Maud's physical abilities let her meet the College's educational goals. Integrating Maud into the school would not impose an excessive burden on the College. In

3. *Summary of Commission des droits de la personne c. Corp. du Collège Notre-Dame*, 2001 CanLII 11763 (QC CA).



particular, the court found that it would not be too expensive to adapt the school's facilities to accommodate Maud. The College therefore had to admit Maud and to implement some accommodations measures (e.g., let her use the elevator) so she could move around the school and participate in the physical education classes.

Identification of issues and reflection questions

1. Does this case involve direct or indirect discrimination? What is the prohibited ground of discrimination at issue?

This case involves indirect discrimination because the rule appears to be fair at first glance.

The College places a lot of emphasis on the physical development of all students, and physical education courses are mandatory.

Maud feels like she is the victim of indirect discrimination because of her physical disability.

The College's refusal to admit her on the basis of her disability prevents her from attending the school. The College's education program isn't a specialized sports-study program.

Its main objective is to offer students a general high school education and not to train athletes. The rule, which appears fair to everyone at first glance, is preventing Maud from accessing the same services as the other students.

2. The College didn't offer to adapt its education program or facilities for Maud in response to her special needs. What happens when students are temporarily injured or sick? Should a school have to take special measures in those situations?

Possible answers:

Yes: *People don't choose to be sick or to get injured. Also, there are often students who get sick or injured, so if the school has to spend money to adapt, the investment will end up helping a lot of people.*

No: *Parents have to find ways to help their children make up for falling behind (for example, a tutor at home). Also, students themselves have to find ways to catch up when they come back to school after an illness or injury, such as by working harder. Schools would be more efficient if they did not have to manage everyone's problems and everyone watched out for themselves. It could become too complicated for schools to manage each student's issues.*

3. In your opinion, if the College had a sports-study program aimed mainly at training high-level athletes, could it exclude students with physical disabilities? Explain your answer.

Possible answers:

Yes: If the school wanted to train elite athletes, it would have no choice but to adopt stricter admissions policies so it could recruit good athletes.

No: The school can train elite athletes even if these athletes have a disability. For example, events like the Special Olympics showcase the incredible talents of such athletes.

4. According to the court, it was reasonable to require the College to adopt accommodation measures to help Maud move around the school and go about her regular activities. Can you think of some examples of accommodation measures that could be put into place?

Possible answers:

- *Letting her use the elevators*
- *Installing ramps*
- *Making a wheelchair available to her*
- *Giving her a desk near the classroom door so she can enter and leave easily*

5. In your opinion, could this decision also apply in the case of a student who suffers from an intellectual disability? Explain your answer.

It's always a question of context: what kind of intellectual disability is it? What are the student's strengths and weaknesses? Has the student been doing well or struggling at school? What does the student need to cope with school? What resources does the school have to accommodate the student?

As mentioned earlier, how the law is applied is often a question of context: an indication of a good answer would be whether the student asks for more details about the type of disability in question. A bad answer would be one given without thought to the context.

The Marc Hall case⁴

The facts

Marc Hall is a secondary V student at a Catholic school. The people close to him (parents, friends and classmates) know he's gay.

When buying prom tickets, students must provide the name of the person who will be accompanying them for approval. The school needs this information so they'll know who will be in attendance, have their contact information and prevent known troublemakers from attending. Marc gave his boyfriend's name as his prom date.



The school principal refused Marc's request to bring his boyfriend to prom. He believes that the interaction between romantic partners at prom is a form of sexual activity and that if Marc is allowed to attend prom with his boyfriend as a same-sex couple, this will be seen as approval and tolerance of behaviour that goes against the teachings of the Catholic church. The school's policy is for teachers to apply its Catholic teachings and therefore refuse to allow students to bring a same-sex date to prom.

After the school board refused to overrule the principal's decision, Marc and his father went to court and asked for the decision to be modified, arguing that the decision was discriminatory and based on Marc's sexual orientation.

The decision

A public school board and its schools must respect the Canadian Charter, even if the policy of the Catholic school prohibits all students (and not just Marc) from bringing a same-sex date to prom. One of the objectives of the Charter is to ensure that human dignity is valued in a free society where differences among individuals are respected and equality is valued.

If people in Canada were simply allowed to argue that their religious beliefs required them to discriminate against gay people, without any objective examination, there would be no protection against discrimination for the LGBTQ+ community. Anyone wishing to discriminate against this community could use their religious beliefs to defend their actions.

The court therefore ruled that the principal's decision discriminated against Marc. The principal's decision was overruled and Marc was allowed to bring his boyfriend to prom.

The school could instead apply a rule about inappropriate behaviour that would apply fairly to all students without distinction based on their sexual orientation.

⁴ Summary of Hall (Litigation guardian of) v. Powers, 59 OR (3d) 423.

Identification of issues and reflection questions

1. Does this case involve direct or indirect discrimination? What is the prohibited ground of discrimination at issue in this situation?

This case involves direct discrimination because the principal's decision was deliberately aimed at limiting the rights of certain types of individuals, that is, members of the LGBTQ+ community. The Catholic school's policy forbids all students from bringing a same-sex partner to prom. This excludes same-sex couples from an important occasion in their school lives. This is a restriction on access to a fundamental service (school).

Marc maintains that he's the victim of direct discrimination because of his sexual orientation. The principal's refusal is based on Marc's homosexuality and the fact that Marc wants to attend prom with his boyfriend.

2. In your opinion, what other measures could the school have taken to avoid inappropriate behaviour among students without discriminating against Marc?

Possible answers:

- *They could limit prom to students graduating from the school.*
- *They could inform students in advance about which behaviours are considered acceptable and unacceptable during the event.*

3. In your opinion, are there situations where schools could rely on a distinction, exclusion or preference based on a personal characteristic without it being a case of prohibited discrimination? Can you give an example.

In Quebec, a distinction, exclusion or preference can sometimes be considered non-discriminatory if justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group.

According to the Supreme Court of Canada, this exception in the Quebec Charter exists to promote the right to freely associate in groups for the purpose of expressing particular opinions or exercising specific activities. Therefore, only private schools having a specific vocation toward an identifiable group of individuals characterized by their religion, ethnic background, language or other prohibited ground of discrimination can benefit from this exception.



The following situations involving distinction, exclusion or preference may be considered justified in certain contexts:

- *A sports school with a primary focus on training elite athletes through a sports-study program. It could be argued that excluding students with disabilities may be allowed (see question 2 of the Collège Notre-Dame case).*
- *Single-gender schools, to deal with problems arising from differences in brain development and maturity.*
- *English schools that accept only English-speaking students.*

These examples are meant for reflection only and don't necessarily reflect the current state of the law.

The L'Escale High School case⁵

The facts

In 2012-2013, the governing board of L'Escale High School implemented a "half-uniform" policy, requiring students to wear a polo shirt in school colours with an embroidered logo.

Some parents contacted the governing board and the school to request that the new rule be withdrawn. They argued that the policy infringed on students' "right to education, the right to free school services, the right to equality and the right to attend the school of their choice." They believed that imposing a half-uniform was discriminatory based on social condition and that the governing board's decision to require students to wear a polo shirt was illegal. The school board refused to get involved, and the school wouldn't reverse its decision. The rule was therefore included in the school's new code of conduct and distributed to parents at the beginning of the school year. In a communication to parents, the school stated that measures would be taken to help low-income families.



During the first two weeks of the school year, approximately 30 students didn't wear the required polo shirt "for multiple reasons." The school lent polo shirts to about 20 students who agreed to wear them, but the students who refused to wear them weren't allowed to attend class. Certain parents and students then brought the case to court.

The decision

The parents argued that their region is in a socio-economically disadvantaged area, and this point wasn't contested. In order to fully respect to the right to free public education for all students, the school board and the school have the duty to provide reasonable accommodations. The court determined that the lending of polo shirts could be considered discriminatory and harmful to students in two situations: if the polo shirt doesn't fit a student properly or if a student's specific situation hasn't been carefully considered.

The court accepted the school's argument that having students wear polo shirts would help with discipline, foster inclusion regardless of the clothes students wear as well as limit bullying and the rejection of students who can't afford the latest fashion trends. However, this objective wasn't reached in the two situations described above. As a result, there was discrimination, the right to equality was violated and irreparable harm was caused to students who weren't allowed to attend class unless they agreed to wear a polo shirt that did not fit them properly or wasn't adapted to their specific situation. The court therefore ordered the school to adapt its accommodation measures for the half-uniform policy to account for each student's size and individual circumstances.

⁵. Summary of *Guay c. École secondaire de l'Escale d'Asbestos*, 2012 QCCS 4530.



Identification of issues and reflection questions

1. Does this case involve direct or indirect discrimination? What is the prohibited ground of discrimination at issue?

This case involves indirect discrimination because the rule appears to be fair at first glance. The school wants all students to wear a half-uniform. The accommodation measure proposed by the school, that is, lending students a polo shirt, could also constitute indirect discrimination based on the specific situation of each student.

The parents argued that the requirement of wearing a half-uniform is discriminatory based on social condition. They maintained that their region is in a socio-economically disadvantaged area, and the school didn't dispute this point. Students aren't allowed to attend class unless they wear the half-uniform. The rule, which appears fair at first glance, prevents the more disadvantaged students from accessing the same services as the other students.

The accommodation measure proposed by the school could be discriminatory. For example, the discrimination could be based on a student's disability, such as the case of a student with a malformation of the forearm. A long-sleeved polo shirt that isn't adapted to the student's specific circumstances could violate their right to equality.

2. In your opinion, would wearing a half-uniform at school eliminate bullying and the rejection of certain students?

Possibles answers:

Yes: *Everyone would be wearing the same shirt, which is easy to identify. This could create a spirit of unity among students, who would be more inclined to show respect to one another.*

It depends: *It could help, because everyone would be wearing the same top. However, pants, shoes and other items like backpacks would still be different.*

No: *There are several factors aside from clothing that can lead to bullying and the rejection of certain students: personality, personal hygiene, academic success, interests/passions, physical appearance, etc. Bullies will always find an excuse to bully someone. .*

Even with a uniform, there can be different ways to wear it that are more or less in style, for example, the number of buttons buttoned, shirt tucked into the pants or left untucked, etc.



3. Are you generally for or against school uniforms? Explain your answer.

For:

- *Simplifies getting dressed in the morning.*
- *Reduces the social gap, making everyone equal.*
- *Creates a feeling of belonging to the school.*
- *Increases the level of safety: It is easier to spot intruders in the school if all students are dressed the same. It is also easier to identify students during school outings.*
- *Reduces bullying based on how students dress.*
- *Reduces the amount of clothing to buy each season.*

Against:

- *Limits freedom of expression: Several teens express and affirm themselves through their clothing.*
- *Cost: A uniform can be expensive, and students need more than one. Students also need to buy everyday clothes to wear outside school.*
- *Simply hides social inequalities: Students will still have to wear outdoor clothing and use a backpack, and social inequalities can show in this way. In other words, social inequalities can be apparent in other ways than through clothing.*

Activity 5: Case Study

Slides 39 to 43

Student Workbook, pp. 26 to 31

- 1 Step 1: Divide students into teams and assign each team a case. Ask the teams to summarize the case using their own words and to identify at least two issues.
- 2 Step 2: Ask students to complete the **“Legal Analysis Framework”** to help them determine whether the case involves indirect discrimination that could be resolved through reasonable accommodations.

Note: It’s possible that students will say they would refuse an accommodation measure out of concern for potential future requests of the same nature. This type of reasoning should not be accepted.

All cases and their applicable legal analyses are presented in the following pages of this guide.

The answer key provides several possible answers, which can be debated in class.



Joël

Joël is 14 years old. He was recently in a serious car accident and is now a paraplegic (his two legs are paralyzed). He must use a wheelchair to move around.

After a long recovery, Joël is preparing to return to the public high school in his neighbourhood. He is anxious to see his friends again and finish his third year of high school! However, Joël realizes that he will not be able to get into the school using a wheelchair. The only way to enter is by walking up a flight of stairs.

Accommodation request

Joël requests that a wheelchair ramp be installed at the school entrance.

Some possible answers: Joël

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <i>Yes: There is no other way to access the school.</i>	X	
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the “Prohibited Grounds of Discrimination” in the summary table on the Charters.) <i>Yes: Disability.</i>	X	
2. Is the requested accommodation reasonable?		
a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)? <i>Yes: The addition of a wheelchair ramp doesn't restrict access for other students. .</i>	X	



Legal Analysis Framework	Yes	No
2. Is the requested accommodation reasonable?		
<p>b. Is the accommodation measure within the financial means of the organization being asked to put it into place?</p> <p><i>Yes: The school no doubt has a fund for renovations, and the adaptations might be needed for other students in the future.</i></p> <p><i>No: In the short term, it is not possible to find the money to build a wheelchair ramp.</i></p>	X	X
<p>c. Can the organization function properly even with the accommodation measure?</p> <p><i>Yes: The renovations required are relatively simple and can be done on short notice.</i></p> <p><i>No: Using the stairs is the only way to access the school. Installing a ramp would require blocking off the stairs, which would interfere with people coming and going.</i></p>	X	X



Sarah

The school cafeteria decides to offer only one meal on Wednesdays in December: pork stew. A lot of students don't eat pork. Sarah, who is Muslim, is one of these students. She therefore cannot use the cafeteria services on Wednesdays in December.

Accommodation request

Sarah requests that the cafeteria offer a second meal option on Wednesdays in December. Some possible answers: Sarah

Some possible answers: Sarah

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <u>Yes: On Wednesdays in December, Sarah can't use the cafeteria like everyone else.</u> <u>No: All the students have days when they don't like the cafeteria menu for various reasons (specific diets, allergies, preferences, etc.)</u>	X	X
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.) <u>Yes: The discrimination is based on religion (Islam).</u>	X	

Legal Analysis Framework	Yes	No
2. Is the requested accommodation reasonable?		
a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)? <u>Yes: All students would benefit from an additional meal choice on Wednesdays. Nobody's rights are being taken away.</u>	X	
b. Is the accommodation measure within the financial means of the organization being asked to put it into place? <u>Yes: Yes, schools often have several menu choices per day.</u> <u>No: The school has not budgeted money for extra dishes, and in any event, Sarah is the only one who would be eating them ...</u>	X	X
c. Can the organization function properly even with the accommodation measure? <u>Yes: The school's operations will not be affected by adding an extra meal choice.</u> <u>No: The school doesn't have the means to organize another meal choice, especially when this would be only temporary.</u>	X	X

Note: The time factor does not have a lot of influence, since even temporary discrimination is unacceptable. On the other hand, the time factor can be important when it comes to evaluating the burden the accommodation would put on an organization. In practice, it is doubtful that many parents would go to court for an accommodation measure that would only last for four days in the year.



Jessie

Jessie is diabetic. Because of her illness (considered a disability), she must always have insulin needles in her locker. Her life depends on it!

Jessie recently received a warning from a supervisor at school. He saw her needles and recalled that there is a rule in the school's Code of Conduct prohibiting needles at school.

Accommodation request

Jessie requests permission to keep insulin needles in her locker.

Some possible answers: Jessie

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <u>Yes: Jessie absolutely needs her needles to go to school while protecting her health.</u>	X	
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.) <u>Yes: Using an aid (needles) to cope with a disability (diabetes).</u>	X	



Legal Analysis Framework	Yes	No
2. Is the requested accommodation reasonable?		
<p>a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)?</p> <p><i>Yes: The needles will only be used by Jessie. This won't affect the other students.</i></p> <p><i>No: A dirty needle could be a danger to other students who might touch it.</i></p>	X	X
<p>b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.)</p> <p><i>Yes: Using an aid (needles) to cope with a disability (diabetes).</i></p>	X	
<p>c. Can the organization function properly even with the accommodation measure?</p> <p><i>Yes: The school's operation would not be affected. All the school would have to do is explain the situation or ask the school nurse to help Sarah.</i></p> <p><i>No: Making sure the needles and injections are properly handled would require a lot of oversight.</i></p>	X	X

Sasha

Sasha, who is 13 years old, grew up in Russia. His living situation suddenly changed last June when his father was transferred to Quebec for his work. Sasha’s family had to move to Quebec. It came as quite a shock, especially because Sasha can’t speak a word of French!

Sasha is registered in a special French initiation program at the high school in his neighbourhood. This means that he is learning to read, speak and write in a special class designed for non-francophones. But for Secondary I math, gym, and fine arts classes, he is in the regular stream.

Sasha’s math exam is just around the corner! He is very worried about it. He has not mastered very much French and is worried that he will not have time to answer all the questions in one hour.

Accommodation request

Sasha requests an extra 30 minutes to write the exam.

Some possible answers: Sasha

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
<p>a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people?</p> <p><i>Yes: Because of Sasha’s limited French, he cannot understand the exam like everyone else.</i></p> <p><i>No: Math exams do not have difficult words. Also, Sasha took the math course in French and did his homework for this class in French.</i></p>	<p>X</p>	<p>X</p>
<p>b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the “Prohibited Grounds of Discrimination” in the summary table on the Charters.)</p> <p><i>Yes: Language.</i></p>	<p>X</p>	

Legal Analysis Framework	Yes	No
2. Is the requested accommodation reasonable?		
<p>a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)?</p> <p><i>Yes: No one will be affected if Sasha is given extra time for the exam.</i></p> <p><i>No: Other students will be at a disadvantage if Sasha is given more time, especially since this extra time is not necessary.</i></p>	X	X
<p>b. Is the accommodation measure within the financial means of the organization being asked to put it into place?</p> <p><i>Yes: Given that exams are held during school hours in school classrooms, no additional costs or materials are necessary.</i></p>	X	
<p>c. Can the organization function properly even with the accommodation measure?</p> <p><i>Yes: The organization wouldn't be affected. An invigilator or teacher would simply need to supervise Sacha for an extra half hour.</i></p>	X	

Note: It is important to mention that Sasha's linguistic abilities in French would have to be evaluated.



Samia

Samia, a student in Secondary IV, is a practising Muslim. Samia sincerely believes that her religious beliefs require her to wear a hijab (a scarf to cover her hair) whenever she leaves home.

Samia has just sent home from school for refusing to remove her headscarf. The principal said this decision was justified in light of a new school dress code that prohibits students from wearing any accessories that cover the head in school.

Accommodation request

Samia requests an exception to the dress code so that she can wear her hijab in school.

Some possible answers: Samia

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Was the person who requested the accommodation a victim of discrimination? <i>Yes: The right to go to school.</i>	X	
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.) <i>Yes: Religion.</i>	X	



Legal Analysis Framework	Yes	No
2. Is the requested accommodation reasonable?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <i>Yes: Providing an exception for Samia doesn't affect the rights of other students, who can still wear clothes that respect the new dress code.</i>	X	
b. Is the accommodation measure within the financial and material means of the organization being asked to put it into place? <i>Yes: The school isn't required to supply anything. Samia wears her own hijab.</i>	X	
c. Can the organization function properly even with the accommodation measure? <i>Yes: The wearing of a hijab doesn't affect the school's organization.</i>	X	

Martin

Martin suffers from a mild intellectual disability. He has minor learning difficulties and problems adapting to some social situations. Despite these problems, with special coaching, he was able to follow the regular education program at his elementary school.

Martin is now 11 years old. He sent an application for admission to the high school in his neighbourhood. However, without any evaluation of his abilities, the school sent him a letter refusing his application.

Accommodation request

Martin and his parents challenge the school's refusal. They request that Martin be integrated into a regular class with special services (a psychologist, etc.) to help him succeed academically.

Some possible answers: Martin

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <i>Yes: The right to go to school.</i>	X	
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.) <i>Yes: A disability.</i>	X	



2. Is the requested accommodation reasonable?		
<p>a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)?</p> <p><i>Yes: Martin has shown in the past that he is able to cope with the regular school program.</i></p> <p><i>No: A student with a disability could slow down the class or distract other students during their courses.</i></p>	X	X
<p>b. Is the accommodation measure within the financial and material means of the organization being asked to put it into place?</p> <p><i>Yes: The school has psychologists to help students having difficulties.</i></p> <p><i>No: Where would the money come from to adapt the curriculum for a student? What if this student needed more and more special attention over time? The school cannot cope with this.</i></p>	X	X
<p>c. Can the organization function properly even with the accommodation measure?</p> <p><i>Yes: Martin needs just a few special services to help him cope. The school's operations would not be affected.</i></p> <p><i>No: The school cannot change its way of managing its educational program for just one student. Also, the ability of other students in the class to learn will be affected.</i></p>	X	X

Note: It is important for students to point out that Martin’s abilities have not been evaluated. We don’t know the extent of his current strengths and weaknesses. The lack of an evaluation can be used to support two possible conclusions:

Martin was able to cope in elementary school, but only with special help. This means he might not be able to cope in high school. Alternatively, he was able to cope in elementary school with a bit of help, so he should be able to cope in high school.

Lily

Lily is a young transgender girl who will be starting high school at her neighbourhood school. She is very bright and is excited to begin this new stage in her life. She has been seeing a psychologist for several years to help guide her through her transition, but she hasn't undergone any physical changes yet.

However, she is concerned about having to change clothes for her gym class in front of other students.

Accommodation request

Lily and her parents are asking that she be provided with a separate changing room so that she can get changed in private.

Some possible answers: Lily

Legal Analysis Framework	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <u>Yes: The right to dignity and the right to privacy, or the right to have access to a changing room based on a person's gender identity.</u>	X	
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.) <u>Yes: Sex/gender identity or expression</u>	X	



2. Is the requested accommodation reasonable?		
<p>a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)?</p> <p><u>Yes: The other students can continue to change in the existing changing rooms. Their right to dignity and privacy aren't affected.</u></p>	X	
<p>b. Is the accommodation measure within the financial and material means of the organization being asked to put it into place?</p> <p><u>Yes: A private changing room or other area can easily be found for Lily, such as an empty classroom or an existing individual bathroom.</u></p>	X	
<p>c. Can the organization function properly even with the accommodation measure?</p> <p><u>Yes: The school's organization won't be affected. Private changing rooms can be assigned for various reasons.</u></p>	X	

Charles

Charles is a teen who has just moved to Quebec from Haiti. His parents registered him at the local high school and submitted all necessary documents, which were in French. Charles wants to enroll in a music program that doesn't have a student limit, but requires good grades for admission. This isn't a problem for Charles since he has always done well in school.

His parents gave all the documents to the school secretary. They asked her if she had everything she needed to complete his file, and she answered that she would contact them if anything was missing.

A month later, Charles and his parents received a letter stating that he was refused admission into the program. The reason for the refusal was that his grades couldn't be taken into account because they weren't from a Quebec school.

Accommodation request

Charles and his parents are disputing the school's refusal. They are asking that his report cards from Haiti be accepted instead of the requested Quebec report cards. Charles' parents believe that the documents from Haiti should be considered as valid as those from Quebec.

Some possible answers: Charles

Legal Analysis Table	Yes	No
1. Was the person who requested the accommodation a victim of discrimination?		
a. Does the impact of the rule or practice prevent the person from enjoying the same rights and services as other people? <i>Yes: Charles' file might be more complicated to process because the documents originate from another country, but he has the same right as Quebec students to be admitted into the music program.</i>	X	
b. If yes, is the person disadvantaged on the basis of one of the characteristics mentioned in the Charters? (See the "Prohibited Grounds of Discrimination" in the summary table on the Charters.) <i>Yes: National origin</i>	X	



2. Is the requested accommodation reasonable?		
<p>a. Does the accommodation measure respect the rights of others (right to security, freedom, etc.)?</p> <p><i>Yes: The school will continue to admit other students to the program based on their report cards.</i></p>	X	
<p>b. Is the accommodation measure within the financial and material means of the organization being asked to put it into place?</p> <p><i>Yes: There aren't really any additional costs associated with this accommodation measure, aside from taking the time to fully analyze the student's file.</i></p>	X	
<p>c. Can the organization function properly even with the accommodation measure?</p> <p><i>Yes: Implementing the measure requires the school to clarify the selection process and apply the selection criteria more rigorously, which will enhance the overall process.</i></p>	X	



Integration

Follow up of the case studies

Student Workbook, p. 32

The following two activities can be used to wrap up the case studies. These activities can also be used as evaluation.

1. Class presentation of the case studies

Ask students to complete the “Presentation and Summary of [character name]’s Case: Issues and Effects on Coexistence” sheet. Allocate time for each team to present its case study to the rest of the class. The groups must clearly explain the different points of view and moral issues and norms involved.

To prepare for this activity, students can use the worksheets they completed during the case study.

This activity can take place as a round table, with each team acting as an expert on its case of discrimination.



Presentation and Summary of _____'s Case : Issues and Impacts on the Community at Large

Student Workbook, p. 33

Answer the following question to prepare your presentation of the case assigned to your team. You must

- 1 summarize the facts of the case,
- 2 explain the different points of views of the parties involved,
- 3 identify the impacts on the community at large based on the various possible outcomes of the mediation session.

1) Summarize the case in a few sentences:

2) Identify 2 individuals or groups involved in the conflict. Present their position (point of view).

Individual or group: _____

Position 1:

Individual or group: _____

Position 2:



3) Imagine the outcome of the mediation session. The accommodation request is either approved or denied. Clearly identify the potential impact of adopting this position on the well-being of each individual involved and on society at large.

Accommodation request approved

<p>Positive impacts:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>Negative impacts:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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Accommodation request denied

<p>Positive impacts:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>Negative impacts:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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Correction Grid

Group: _____ Date: _____

Group members' names: _____

Criteria	Evaluation
<p>Instructions:</p> <p>Check the observable elements being evaluated.</p> <p>The details provided correspond to a satisfactory completion of the assignment or a B grade.</p>	
<p>Analysis of the situation</p>	
<p>The student explained what is at stake in the case.</p>	
<p>Step 1</p> <ul style="list-style-type: none"> The students presented the elements essential to understanding the case (who, what, when, where, how) in a fair and accurate manner. The students presented two relevant issues at stake in a coherent manner. 	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>The student compared the various positions.</p>	
<p>Step 2</p> <ul style="list-style-type: none"> The students correctly analyzed the sources of the tension underlying the accommodation request. The students identified and presented in a satisfactory way different positions related to the case studied. The case study chart was completed correctly, i.e., it properly presents the essential elements of each position. 	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



Appropriate practice of dialogue

The student **evaluated** the positions.

<p>Step 3</p> <ul style="list-style-type: none">• The students clearly and accurately identified a positive and a negative impact of adopting the different positions.• The possible impacts presented (in the short or long term) take into account community life and the well-being of each individual and of society at large.	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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Teacher's comments:



2. Personal reflection on reasonable accommodation

Encourage students to reflect on various issues concerning reasonable accommodations in our society. The activity can be done individually, in teams or as a class.

Reflection questions

- 1. Has your perception of reasonable accommodations changed during this activity? Explain your answer.**
- 2. Do you think that reasonable accommodations are necessary in our society? Why?**
- 3. The media generally discusses reasonable accommodations in a religious context. Do you feel that news stories like this lead to tolerance or intolerance of the various religions in our society? Explain your answer.**
- 4. A reasonable accommodation request will only be granted if it doesn't impose excessive burdens. This is the "reasonableness" requirement. Is this test appropriate? Should there be a different test? At what point does an accommodation request become "unreasonable"? Explain your answer.**

Additional Insights

Analyzing discrimination in Quebec and Canadian society in the 20th century

History of Quebec and Canada Course, Secondary IV

To help students better understand the reason we have Charters and examine them in other contexts and subjects, we propose a short interdisciplinary project between the Quebec Culture and Citizenship course and the History of Quebec and Canada course. This interdisciplinary project falls within the “Societal choices in contemporary Quebec” content.

Society changes as the years go by, and the law evolves with these changes. Certain types of widespread behaviours in the past were already recognized as discriminatory back then. In contrast, other widespread behaviours that were acceptable in the past are considered discriminatory today.

The aim of this activity is to explore potential differences between social perceptions of discrimination in the past and today, to encourage students to conceptualize social changes and to examine the evolution of laws in Quebec.

Objective

- Observe an element from the history of Quebec and Canada that could be perceived as discriminatory today, and analyze it using the Charters.

Activity description

- The teacher chooses an element from history where discrimination occurred based on criteria we use today. The choice is based on the teacher’s interests.

Examples of elements from history:

- A topic (e.g., place of women in society at the beginning of the century)
- An event (e.g., Indigenous people and conscription during wartime)
- A photograph or painting
- A newspaper article
- Etc.



- 1 Students learn about the historical element chosen by the teacher, which forms the basis of this activity.
- 2 Using the Charters studied during this LES, students analyze the historical element selected by the teacher to determine whether it would be considered discriminatory against certain groups of people today. Certain elements must be taken into consideration during this analysis, including:
 - The historical and social context that led to this element in history.
 - The people or organizations involved (e.g., Who was the photographer? Who were the members of the social group involved? Which newspaper published the article?).
 - What are the discriminatory elements in the situation or document analyzed? Were any of those elements considered discriminatory in the past?
- 3 The public often reacted to these injustices, including the groups discriminated against and the witnesses to the situation. Students must then discover how the public reacted to the discrimination in question, what were the consequences to history, and whether any changes were made as a result.
- 4 Based on their analysis, students can write a text or a newspaper article, create a poster or prepare a presentation. The teacher can choose the activity.

1. Brief description of the historical element

Briefly explain the situation in your own words.

- What did it involve?
- Who did it involve?
- In what year did it happen?
- Where did it happen?

2. Analysis of the discrimination

To guide their analysis, students can answer the following questions:

- Who was discriminated against?
- How was this discrimination?
- Based on today's Charters, what would be the grounds of discrimination?

3. Public's reaction to the discrimination

The public often reacted to these injustices, including the groups discriminated against and the witnesses to the situation.

- How did the public react?
- What were the consequences to history?
- Did this lead to important events?
- Were any changes made as a result?



Your opinion

To better support you and create tools adapted to your needs, we want to hear your experience and opinions.

Take this short survey by scanning the QR code or click on the link.

It will take you least than 5 minutes.

Thank you for your participation !



[Link to the survey](#)

Other tools for you !

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Our Teaching Guides : Ready-to-use Resources

Our teaching guides can be used in a range of grades. They are of various lengths and activity types. Since most of them are available in French they can easily be integrated into a French second language class. Turnkey, they can be led by the teacher and are specifically adapted to primary or secondary school students.

Make your choice and download them free of charge.

Elementary

- [ARE YOU OLD ENOUGH?](#)

Students learn which responsibilities and freedoms the law gives them according to their age.

- [THE INTERNET AND THE LAW](#)

This activity provides an overview of prohibited online activities and recommends solutions if a child is being harassed online.

- **ALL ABOUT RULES!**

Children often question where the rules come from. This activity raises the awareness of law through a philosophy for children approach.

- **DON'T FIGHT, MEDIATE!**

Students are asked to take on specific roles in a simulated mediation session to resolve a conflict between two teens and their families. .

- **LIVING IN NEW FRANCE : A COMPLETELY DIFFERENT REALITY!**

During this activity, students will learn more about their rights and freedoms in modern-day Quebec through different scenarios.

CCQ: Teaching Resources

- **TRAINING 101: CULTURE AND CITIZENSHIP IN QUEBEC, THE LEGAL CONCEPTS**

Follow our training, which covers the legal concepts found in the new CCQ course, improve your understanding of general legal concepts, and increase your confidence to teach them!

- **TRAINING LEGAL CONCEPTS IN THE CCQ PROGRAM: ELEMENTARY SCHOOL LEVEL**

Videos : Legal Education

Vous trouverez ici des vidéos et des tutoriels pour vous accompagner lorsque vient le temps de parler de notions juridiques.

- **LE DROIT EN CLASSE : AGIR EN LIGNE (ENGLISH SUBTILES)**

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- **CYBERBULLYING... IT CAN BE A CRIME!**
- **WORKING : NOT AT ALL COSTS!**

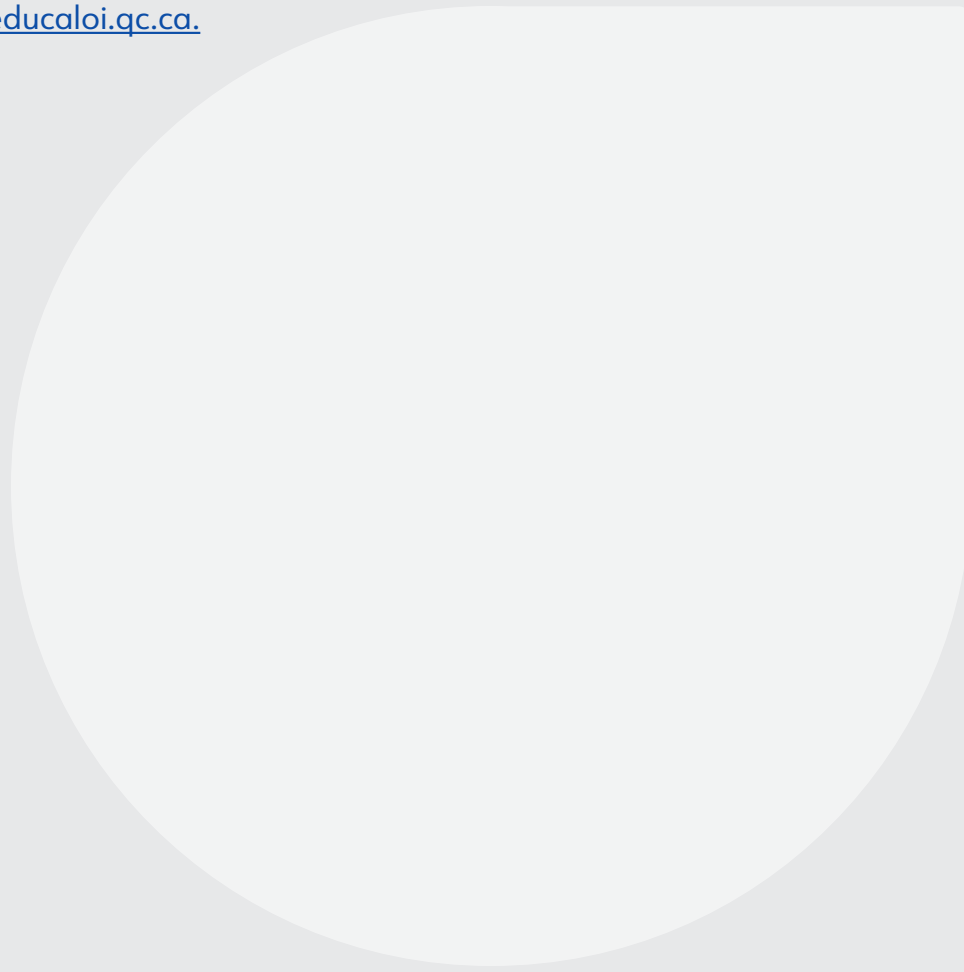


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If you have any questions or wish to share your suggestions with us, please contact us at scolaire@educaloi.qc.ca.



Discrimination at School ?

Teaching Guide