

Appendix B – Extracts from Applicable Laws, Acts and Charters

1.0 Applicable Federal Laws, Acts, and Charters

The Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Equality Rights

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

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

Criminal Code

Hate Propaganda

Public incitement of hatred

319 (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

Wilful promotion of hatred

(2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or
- (b) an offence punishable on summary conviction.

Defences

(3) No person shall be convicted of an offence under subsection (2)

- (a) if he establishes that the statements communicated were true;
- (b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;
- (c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or
- (d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada.

Canadian Human Rights Act

Purpose of Act

Purpose

2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

R.S., 1985, c. H-6, s. 2; 1996, c. 14, s. 1; 1998, c. 9, s. 9; 2012, c. 1, s. 137(E).

PART I

Proscribed Discrimination

General

Prohibited grounds of discrimination

3 (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and

conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Idem

(2) Where the ground of discrimination is pregnancy or child-birth, the discrimination shall be deemed to be on the ground of sex.

R.S., 1985, c. H-6, s. 3; 1996, c. 14, s. 2; 2012, c. 1, s. 138(E).

Multiple grounds of discrimination

3.1 For greater certainty, a discriminatory practice includes a practice based on one or more prohibited grounds of discrimination or on the effect of a combination of prohibited grounds.

1998, c. 9, s. 11.

Orders regarding discriminatory practices

4 A discriminatory practice, as described in sections 5 to 14.1, may be the subject of a complaint under Part III and anyone found to be engaging or to have engaged in a discriminatory practice may be made subject to an order as provided in section 53.

R.S., 1985, c. H-6, s. 4; 1998, c. 9, s. 11; 2013, c. 37, s. 1.

Discriminatory Practices

Publication of discriminatory notices, etc.

.... 12 It is a discriminatory practice to publish or display before the public or to cause to be published or displayed before the public any notice, sign, symbol, emblem or other representation that (a) expresses or implies discrimination or an intention to discriminate, or (b) incites or is calculated to incite others to discriminate if the discrimination expressed or implied, intended to be expressed or implied or incited or calculated to be incited would otherwise, if engaged in, be a discriminatory practice described in any of sections 5 to 11 or in section 14.

1976-77, c. 33, s. 12; 1980-81-82-83, c. 143, s. 6.

PART III

Discriminatory Practices and General Provisions

Definition of *discriminatory practice*

39 For the purposes of this Part, a *discriminatory practice* means any practice that is a discriminatory practice within the meaning of sections 5 to 14.1.

R.S., 1985, c. H-6, s. 39; 1998, c. 9, s. 22.

2.0 Applicable Provincial Acts and Regulations

Alberta Human Rights Act

Preamble

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;

Effect of Act on provincial laws

1(1) Unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, every law of Alberta is inoperative to the extent that it authorizes or requires the doing of anything prohibited by this Act.

Section 1

Code of Conduct

Discrimination re publications, notices

3(1) No person shall publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that (a) indicates discrimination or an intention to discriminate against a person or a class of persons, or (b) is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons.

(2) Nothing in this section shall be deemed to interfere with the free expression of opinion on any subject.

Alberta Bill of Rights

Preamble

Recognition and declaration of rights and freedoms

1 It is hereby recognized and declared that in Alberta there exist without discrimination by reason of race, national origin, colour, religion, sexual orientation, sex, gender identity or gender expression, the following human rights and fundamental freedoms, namely:

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association;
- (f) freedom of the press;
- (g) the right of parents to make informed decisions respecting the education of their children.

Alberta Family Law Act

Children subject to guardianship

19(1) Every child is subject to guardianship.

Powers, responsibilities and entitlements of guardianship

21(1) A guardian shall exercise the powers, responsibilities and entitlements of guardianship in the best interests of the child.

(4) Except where otherwise limited by a parenting order, each guardian is entitled (a) to be informed of and consulted about and to make all significant decisions affecting the child in the exercise of the powers and responsibilities of guardianship described in subsection (5), and (b) to have sufficient contact with the child to carry out those powers and responsibilities.

Extract 18 (2) outlines how the Law interprets the best interests of a child:

- (a) ensure the greatest possible protection of the child's physical, psychological and emotional safety, and
- (b) consider all the child's needs and circumstances, including
 - (i) the child's physical, psychological and emotional needs, including the child's need for stability, taking into consideration the child's age and stage of development,
 - (ii) the history of care for the child,
 - (iii) the child's cultural, linguistic, religious and spiritual upbringing and heritage,
 - (iv) the child's views and preferences, to the extent that it is appropriate to ascertain them.

(5) Except where otherwise limited by law, including a parenting order, each guardian has the following responsibilities in respect of the child:

(a) to nurture the child's physical, psychological and emotional development and to guide the child towards independent adulthood; (b) to ensure the child has the necessities of life, including medical care, food, clothing and shelter.

(6) Except where otherwise limited by law, including a parenting order, each guardian may exercise the following powers:

(a) to make day-to-day decisions affecting the child, including having the day-to-day care and control of the child and supervising the child's daily activities;

(c) to make decisions about the child's education, including the nature, extent and place of education and any participation in extracurricular school activities;

(d) to make decisions regarding the child's cultural, linguistic, religious and spiritual upbringing and heritage;

(e) to decide with whom the child is to live and with whom the child is to associate;

(g) to consent to medical, dental and other health-related treatment for the child;

(h) to grant or refuse consent where consent of a parent or guardian is required by law in any application, approval, action, proceeding or other matter;

(i) to receive and respond to any notice that a parent or guardian is entitled or required by law to receive;

(l) to receive from third parties health, education or other information that may significantly affect the child;

Alberta Education Act

Part 3 - Responsibilities and Dispute Resolution

Division 1 - Responsibilities

Student responsibilities

31 A student, as a partner in education, has the responsibility to

(a) attend school regularly and punctually,

(b) be ready to learn and actively engage in and diligently pursue the student's education,

(c) ensure that the student's conduct contributes to a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging,

(d) respect the rights of others in the school,

- (e) refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means,
- (f) comply with the rules of the school and the policies of the board,
- (g) co-operate with everyone authorized by the board to provide education programs and other services,
- (h) be accountable to the student's teachers and other school staff for the student's conduct, and
- (i) positively contribute to the student's school and community.

Parent responsibilities

32 A parent has the prior right to choose the kind of education that shall be provided to the parent's child, and as a partner in education, has the responsibility to

- (a) act as the primary guide and decision-maker with respect to the child's education,
- (b) take an active role in the child's educational success, including assisting the child in complying with section 31,
- (c) ensure that the child attends school regularly,
- (d) ensure that the parent's conduct contributes to a welcoming, caring, respectful and safe learning environment,
- (e) co-operate and collaborate with school staff to support the delivery of specialized supports and services to the child,
- (f) encourage, foster and advance collaborative, positive and respectful relationships with teachers, principals, other school staff and professionals providing supports and services in the school, and
- (g) engage in the child's school community.

Alberta Teacher's Association

Code of Professional Conduct

In relation to pupils

1 The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background.

Declaration of Rights and Responsibilities for Teachers

9 Teachers have the right to be protected against discrimination on the basis of prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background and have the responsibility to refrain from practicing these forms of discrimination in their professional duties.