



# RESPECTFUL ME, RESPECTFUL YOU:

DISCRIMINATION, HARASSMENT & HUMAN RIGHTS  
THE ALBERTA CIVIL LIBERTIES RESEARCH CENTRE



**Respectful Me, Respectful You:  
Discrimination, Harassment and Human Rights  
A User's Guide**

by

Alberta Civil Liberties Research Centre

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**RESPECTFUL ME, RESPECTFUL YOU: Discrimination, Harassment &  
Human Rights DVD**

**User Guide**

The Alberta Civil Liberties Research Centre was established in 1982. It is a non-governmental, non-profit organization. Its purpose is to:

- promote awareness among Albertans about civil liberties and human rights through research and education.
- provide speakers, publish materials and create resources for educators on human rights and civil liberties issues of concern to Albertans.

**Purpose**

The Alberta Civil Liberties Research Centre produced this DVD, *Respectful Me, Respectful You*, which focuses on the law dealing with discrimination and harassment in Alberta. And, as bullying and cyber bullying are forms of harassment, these issues are also covered. This DVD is intended to provide young people with a basic understanding of discrimination, harassment, bullying and cyber bullying, and what can be done to deal with a situation involving one or more of those issues. It is intended for secondary school audiences. It will contribute to educating young people and adults about the remedies that they have available, under the law, in dealing with intolerance, discrimination, harassment and bullying. Various legal resources and other remedies available in Canada are considered. It does not discuss all aspects of human rights legislation but should be used as a starting point to inform young people about basic human rights, discrimination, harassment, responsibilities and the law.

The purpose of the DVD is:

1. To help lessen incidents of discrimination, harassment and bullying through educating young people about their rights and responsibilities.
2. To encourage acceptance and understanding by promoting awareness of human rights among young people.
3. To increase awareness of teachers and students about human rights law as it applies to discrimination and harassment, and,

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4. To provide teachers with a resource to address discrimination, harassment and bullying when teaching about human rights in the curriculum.

The DVD will also help other educators, facilitators and workshop leaders to explore the issues of discrimination and harassment and bullying.

This DVD is comprised of two chapters. The first chapter deals with issues involving laws in Alberta around Discrimination, Harassment and Bullying and provides an in-depth background and definitions to these issues. Chapter Two contains several scenarios created by young people... students who were asked to demonstrate situations in which they had been involved as victims, offenders, or witnesses to discrimination, harassment and or bullying. The scenarios are structured so that teachers may stop after each scenario or segment for in-depth discussion, or so that teachers may discuss the DVD as a whole. Each scenario is followed by a discussion of remedies and the applicable laws by experts in the field of law. The students based the scenarios in settings that are relevant to them and where most incidents happen, for example, school. The order in which you watch the chapters does not matter as they are both self-contained with some new and some similar information.

### Background

Discrimination, harassment and bullying based on gender, religion, race, disability, sexual orientation and other factors are ongoing challenges faced by young people in Alberta and, for that matter, around the world. In Alberta schools, these incidents can lead to absenteeism, poor grades, depression and, in extreme cases, even suicide. Bullying is a form of harassment. Canadian researchers are finding that these problems are widespread. The realities of school hallways, playgrounds and use of electronic media need to be discussed in a safe setting so that victims can learn about actions they can take, and so that offenders realize that what they are doing is against the law.

Publicly funded schools have a legal responsibility to create and to maintain a safe and inclusive environment for all students. Schools should educate students about human rights and the right of every student to be safe and to learn in an environment free from discrimination, harassment, and bullying.

The resources of the Alberta Civil Liberties Research Centre emphasize human rights law. For those who are the target of harassment, discrimination and bullying, there are two messages. The first message is that the international community has called for recognition of the basic dignity, and of the equal and absolute rights of all members of the human family. These rights are contained in the United Nations ***Universal Declaration of Human Rights***. This message is echoed in Canada in the ***Canadian Charter of Rights and Freedoms***, and in Alberta in the ***Alberta Human Rights Act***. People, who feel that they are under attack because of their race, religion, gender, disability, or other factors, need to know that this kind of discriminatory behaviour has

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been condemned. Second, those who are the targets or observers of such discrimination and harassment need to know what remedies are available, and how they can assert their rights, or speak up for others.

The key message to those who engage in discrimination, harassment and bullying is that this conduct is wrong and their behaviours can get them into serious trouble. While they may not change their attitudes, it is quite possible that some will at least change their behaviour when they are aware of the possible consequences.

Following is a definition of human rights and details on some important human rights instruments which protect us all. Next are some important explanations of terminology used when discussing the topics of discrimination and harassment.

### **Human Rights**

#### ***What are Human Rights?***

*Human rights* are moral rights which belong to everyone. The only qualifications required to have human rights are to be born and to be human. It does not matter where you live, how much money you have, who your family or friends are, what race or ethnic group you belong to or identify with, or whether you are male or female. All of us have the same human rights, because we are all human.

At their core, human rights are concerned with very basic issues. They include the right to life, liberty and a decent human experience. Human rights also include all of the political, social, and economic rights, which are essential for people to live dignified lives.

#### ***A Brief History of Human Rights***

The first laws dealing with human rights were established four thousand years ago by the Babylonian ruler Hammurabi, who is known for the set of laws called Hammurabi's Code. This code is one of the first written set of laws in recorded history in the world. These laws were engraved on stone tablets and were publicly displayed for everyone who could read to see. As time passed, almost every major religion incorporated the dignity of human beings. However, not all religious leaders had the same ideas about the content of human rights. For example, many of them believed that slavery was acceptable and that women should not have as many rights as men.

In 1215, a document called the *Magna Carta* was drafted in England. It provided the foundation for many of the human rights laws that exist today throughout the world. It said that no one, not even a monarch, was above the law. Some of the rights contained in the *Magna Carta* made their way into legislation that was drafted in the 18<sup>th</sup> and 19<sup>th</sup> centuries in the United States and France. During this time, the concept of liberalism was prevalent throughout western nations. Liberalism included the idea that citizens had inherent, fundamental, and inalienable rights. In other words, people were entitled



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to these rights by virtue of being human, and people could not lose these rights for any reason whatsoever.

Human rights are divided into two general categories. First, *civil and political rights* are concerned with giving individuals freedom of action, freedom of choice and freedom to participate in political life. These rights are sometimes referred to as “civil liberties”.

They include:

- freedom of speech;
- freedom of movement;
- the right to vote;
- freedom of religion and conscience; and
- freedom of thought, belief and expression.

Second, *economic, social and cultural rights* seek to protect peoples’ physical, material, social, and economic well-being.

They include:

- the right to work;
- the right to rest and leisure; and
- the right to adequate food, clothing, housing, and medical care.

The foundation of human rights is the belief that everyone is born with equal rights and dignity. One set of rights is not more important than the other. A particular situation will determine a person’s priorities. For example, people facing starvation may find the concept of freedom of expression to be irrelevant at that time. All rights are interrelated and dependent upon one another.

### ***The Universal Declaration of Human Rights***

After World War II, people were horrified at the terrible cruelties millions of people had suffered during the war, and they wanted to do everything possible to ensure that World War III did not occur. As a result, immediately following the end of the war in 1945, fifty-one countries who were committed to “maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights” came together and created the United Nations (United Nations <http://www.un.org/en/aboutun/index.shtml>).

The *Universal Declaration of Human Rights* (UDHR) was created by the United Nations on December 10, 1948, after World War II, in response to the concerns of the international community. It sets a standard of human rights for nations around the world. It has been called “the most important human rights document of the twentieth century”. The *Universal Declaration* recognizes the important role that respect for human rights plays in the establishment of peace. Every year, December 10th is celebrated as International Human Rights Day around the world.



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It is important to understand that human rights are not absolute. With these rights come responsibilities. The UDHR emphasizes this in article 29(2), which states that people have duties towards others. A person's rights and freedoms are limited by the need to respect the rights and freedoms of others. In other words, having rights also means being fair to others—to each other, to our families and to the communities in which we live. Sometimes, however, it can be difficult to determine what is fair. Limits must be imposed on a person's rights when those rights come into conflict with another person's. If one person is allowed to do whatever he or she wants whenever he or she wants, it automatically means that other people cannot do whatever they want whenever they want. Deciding what kinds of limits can be justifiably imposed on a particular right is often not easy. For example, freedom of speech is a good thing for the most part. However, when hateful speech is directed at other people, it might cause them to feel threatened, and might violate their right to security of the person and their right to equality and dignity, among other rights. Deciding exactly what people can and cannot say is an extremely challenging task that is fraught with controversy.

### ***The Canadian Charter of Rights and Freedoms***

In Canada, every person has the democratic right to human dignity and other fundamental rights. These rights are permanently protected in the *Canadian Charter of Rights and Freedoms*.

The *Canadian Charter of Rights and Freedoms* ("Charter") was passed in 1982. It is part of the Constitution of Canada and can only be changed by an amendment to the *Constitution*, a difficult thing to do. Because of this, the Charter is a very powerful document. Section 52 of the Constitution says that "the Constitution of Canada is the supreme law of Canada and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect". This statement makes it clear that the Charter is the supreme law of the land, and any law that contradicts the Charter is invalid. Of all the human rights legislation in Canada, the Charter is the most important. The similarities between certain sections of the Charter and particular articles in the *United Nations Declaration of Human Rights* are striking.

The Charter guarantees that certain individual rights and freedoms are protected when infringed by laws or actions of the government. The Charter relates to the actions of the government and its agencies, and not the private sector. Each province has human rights legislation which applies to the public and the private sector. Provincial human rights legislation protects individuals from discrimination.

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### *Provincial Human Rights Legislation*

Each province, territory and the federal government have a body that protects individuals against discrimination. Provincial or territorial human rights laws apply when a situation is covered by the areas and the grounds under the particular province's laws. Unlike the *Criminal Code*, which has punishment as one purpose, provincial and territorial human rights codes are not meant to punish offenders. Instead, the purpose is to provide relief for victims. Since these laws are not intended to punish, large money awards are not usually handed out for this purpose. Instead, a human rights commission will often order individuals to:

- apologize for their discriminatory behaviour;
- establish non-discriminatory policies;
- take courses to learn about discrimination and how to avoid perpetrating it;
- reinstate someone who has lost her or his position as a result of discrimination.

### *The Alberta Human Rights Act*

This Act prohibits discrimination in certain situations. Everyone in Alberta, including young people under the age of 18, is entitled to file a complaint with the Province's Human Rights Commission if they feel they have experienced discrimination.

*The Alberta Human Rights Act* prohibits discrimination in the **areas** of:

- Employment, employment advertising and trade unions
- Tenancy, the rental of commercial or residential property
- Services customarily available to the public, such as restaurants or theatres, and,
- Notices and signs.

In these areas, people in Alberta are protected from discrimination because of the following **grounds**:

- race
- colour
- ancestry
- place of origin
- religious beliefs
- gender (including pregnancy, sexual harassment, and gender identity)
- physical disability
- mental disability
- marital status
- family status
- source of income
- sexual orientation

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All grounds, except **age**, are protected in all areas. Age is defined as 18 years or older. Age is only protected in the areas of employment and notices. People under the age of 18 are not protected on the basis of age, but they are protected on the other grounds.

As stated earlier, human rights are not absolute and rights are influenced by responsibilities. All human rights legislation provides for situations where one person's human rights may have to give way to another's. For example, an Elder Care Centre may decide to advertise for a male health care professional to attend to the "personal care needs" of an elderly male patient. This is discrimination on the grounds of gender in the area of employment. However, in this particular case, the dignity and self-respect of the patient is a valid reason for the discrimination to occur. It is important to understand that laws exist to protect everyone against discrimination. Someone who feels that he or she has experienced discrimination may seek remedies under Alberta Law.

### Discrimination and Harassment – Important Definitions

#### *Discrimination, Prejudice and Stereotyping*

**Discrimination** is the unfair treatment of a person or group, usually because of prejudice about that person's race, ethnic group, gender, religion, physical or mental disability, religion, sexual orientation, or other characteristic.

The foundation of human rights is the belief that everyone is born with equal rights and dignity, as article one of the UDHR emphasizes. Another way of saying this is that everyone has the right not to be discriminated against. It is difficult to come up with a precise legal definition of the word "discrimination" because what we hold to be discrimination is constantly evolving. It changes over time as societal values change. What is considered to be discrimination today was in many cases not considered to be discrimination one hundred years ago. For example, in the early part of this century women were not allowed to vote, and it was not until 1918 that some women were permitted to vote in federal elections. In Alberta, women were not allowed to hold civic, judicial or governmental positions until 1930. Still, if you were looking for a very basic and non-legal definition of discrimination, you could say that it is treating someone unequally and unfairly.

In order to better understand the meaning of discrimination, it is important to distinguish between discrimination, prejudice, and stereotyping. Legally, discrimination can be described as unfair treatment because of a certain characteristic. The characteristic can be race, religion, nationality, or a physical disability, to name a few.

Discrimination is based on **prejudice**, which is an attitude or belief that is formed or held without really considering the facts. Prejudice means judging in advance.

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**Stereotyping** involves making universal assumptions without knowing all the facts. A **stereotype** assumes that all members of a group share some general quality, such as they are all smart, or stupid, or hard-working, or bad drivers. Stereotyping of people or groups can be derogatory and can lead to prejudice and discrimination.

Stereotyping and prejudice involve thinking in a certain biased way. Discrimination is different in that it involves actually acting on these biased thoughts. People are often hurt by prejudicial attitudes and discriminatory behaviour. People may lose out on jobs or apartments because of discriminatory attitudes.

The law cannot control stereotyping or prejudiced attitudes because they are only thoughts. However, it can address discrimination. For example, a person may be prejudiced against people with brown hair. If this person keeps the prejudiced feeling to herself or himself, then it is not illegal. However, if this person starts to beat up all people with brown hair, it becomes discrimination, which is illegal and can be acted upon by the authorities. Prejudice is a state of mind, while discrimination is a definite action that results from prejudice.

### Examples of discrimination, prejudice and stereotyping:

1. **Joe says he doesn't like Martians, even though he has never met a Martian.** Joe is *prejudiced* against Martians.
2. **Jeff refuses to eat a samosa, because he insists that he will not like it, even though he has never tried one before.** Jeff is *prejudiced* against samosas. However, in this particular case Jeff's prejudice is unlikely to cause harm to anyone. Prejudiced attitudes do not always result in negative consequences.
3. **Jenny fell and hurt her leg. She was approached by a female doctor but refused help. She does not trust female doctors, even though she has never been treated by one.** Jenny is *prejudiced* against female doctors, and is discriminating against the one who tried to help her. In this case, Jenny's prejudiced attitude may negatively affect the female doctor, who is not being treated with the dignity and respect that she deserves. Jenny's prejudice may also affect herself negatively, because her attitude will result in a delay before her injured leg can be treated. Discrimination hurts not only those who are its victims, but also its perpetrators.
4. **Holly owns an apartment building in town. She makes it a policy to rent only to married people.** Holly is *discriminating* against single people and unmarried partners.

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5. **All Asians are excellent mathematicians.** This is an example of a *stereotype*. Although this appears at first to be a positive stereotype, it can still be harmful. For one thing, it is not true—not all Asians are good at math. If you were Asian and you were not good at math, you might feel as though there was something wrong with you.

### **Forms of discrimination:**

**Direct Discrimination:** *When a rule or policy obviously discriminates against a particular group of people.* For example, an employer who has a policy that states that no persons of colour, women, or Catholics may be hired is directly discriminating against these groups. Direct discrimination is easy to spot.

**Adverse Effect Discrimination:** *When the discrimination is not intentional.* For example, an employer may have a policy that appears to be fair because it applies to all people, but is actually unfair to a certain group. There was a Canadian legal case that involved two female pilots who were refused employment because they did not meet the standard height requirement. While the height requirement applied to everyone, it had the effect of eliminating 82% of women from employment as pilots. Even though employers may not intend to discriminate it may still be considered to be discrimination because the law looks at the impact of the company policy, not its intent.

**Systemic Discrimination:** *When a number of policies, rules and attitudes act together to form an atmosphere of discrimination.* This kind of discrimination is difficult to detect, and emerges only over time.

### **Harassment**

Harassment is a form of discrimination. Harassment occurs when someone is subjected to unwelcome, verbal, non-verbal, or physical conduct.

### **Sexual Harassment**

This is unwelcome, uninvited conduct of a sexual nature. Unwanted physical contact, attention, demands, jokes or insults are illegal harassment when they occur in any of the areas and grounds protected under the *Alberta Human Rights Act*.

Sexual harassment is unwelcome, uninvited conduct of a sexual nature. In a school setting, it may involve remarks, gestures or actions that take place personally or electronically and interfere with a student's ability to learn, study, work, achieve, or participate in school activities. It consists of a wide range of behaviours including but not limited to:

- Unwanted physical contact
- Unwelcome remarks
- Verbal abuse

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- Leering, whistling, jokes, & other behaviours or gestures of a sexual nature
- Practical jokes that result in awkwardness or embarrassment
- Demands, pressure for sexual favours/activity
- Display of suggestive pictures, pornographic, racist or other offensive images
- Names written on walls or desks
- Using the Internet, mobile phones, social networking sites, or other digital technologies to harass, bully, or harm others in a sexual way
- Stalking is Criminal Harassment, which is an offense under the *Criminal Code of Canada*.

Students who are sexually harassed on line or on other electronic media are usually also sexually harassed in person.

### **Bullying**

Bullying is a form of harassment. Bullying may involve taunting behaviours that are intended to harm, humiliate and create fear, and which continue regardless of objections, or requests to stop.

Bullying is **aggression**: physical, verbal, relational or psychological, but it is more complex than fighting or using bad or hurtful language. Bullying in the form of emotional or psychological aggression is subtle because it is not as visible, but it is very painful to the victims.

**Bullying** has one or more of the following characteristics – an imbalance of power; arrogance or contempt towards a person or persons; a conscious, wilful, deliberate act of hostility intended to harm and induce fear through threat of further aggression; a planned action directed towards a specific target, not an impulsive action; and a learned behaviour.

There are three main types of bullying (Olweus, 1993, 1995, as cited in Sprague & Walker, 2005). *Direct bullying* involves overt fairly obvious attacks on the victim; *indirect bullying* involves covert or hidden actions designed to socially alienate the victim from others; and *passive bullying* in which friends support the bully. Direct bullying tends to be done more often by boys and indirect bullying by girls.

Frequently, bullies say they are “just joking” or “just teasing” to cover up their hurtful intent. Taunting is NOT teasing.

The World Wide Web combined with smart phone technology has led to **Cyber Bullying or Cyber Harassment**. This is using the Internet, cell phones, social networking sites, or other digital technologies to harass, humiliate, bully, or harm others and includes:

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- Making anonymous threats and insults
- Spreading rumours and others' personal information
- Creating videos or social media profiles which humiliate or make fun of others and in some cases drive them to desperate actions.

Many students who harass others don't think of what they are doing as a big deal. Some are trying to be funny, some are unaware of the seriousness of their actions and a few are out for revenge for something they think was done to them.

**It is important for victims of harassment to know that it is not their fault that someone harasses them, even if they are told that it is.**

**The Law looks at the impact of the harassment and not at what the harasser intended.**

It is important to realize that every situation of discrimination or harassment is unique and the solution will depend on the circumstances. The issues are often complex and challenging. Some situations, while they may appear to be illegal discrimination or harassment, may actually be disrespectful, rude and offensive behaviour.

Some of the scenarios in the DVD involve harassment or discrimination using the Internet. While some of the communicated behaviour may be subject to the Criminal Code provisions regarding hate speech, it currently could be the subject of a human rights complaint to the federal Human Rights Commission. The Internet is an activity that was not contemplated under the Constitution, but it seems that the federal government has jurisdiction over its regulation. *Presently*, section 13 of the *Canadian Human Rights Act* provides:

(1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination

(2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking

(3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking



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owned or operated by that person are used by other persons for the transmission of that matter.

However, for a number of reasons related to challenges under the *Charter of Rights and Freedoms* (freedom of expression), this section has been repealed effective June 2014. This leaves the *Criminal Code* to address hate speech on the Internet.

### Using the Discrimination and Harassment DVD and Skits

Before showing the skits, we suggest that you:

- read this User Guide, including the DVD script;
- watch the DVD, including skits and experts' debriefings;
- copy relevant background information on human rights and definitions into a handout for students/participants;
- discuss the background information on Human Rights and Human Rights instruments with students/participants and
- discuss terminology relating to discrimination and harassment with students/participants.

We recommend that you tell students/participants that the topics for the scenarios for the skits were all created by young people to demonstrate situations in which they were involved as targets, perpetrators or witnesses.

Select and view skits relevant to the human rights topic under discussion – discrimination, harassment, sexual harassment, cyber-harassment or bullying. Some skits encompass more than one topic. As you view each skit and before you show the legal expert's debriefing, ask viewers to (individually or in small groups):

- determine what behaviour is happening in the scene and decide whether it is discrimination, harassment, or bullying or a combination;
- identify what action(s), behaviour(s) or statement(s) indicate discrimination, harassment or bullying; and what type of discrimination, harassment or bullying e.g., racial discrimination? sexual harassment? cyber-bullying?
- identify the perpetrator of the behaviour and the recipient of the behaviour;
- consider what the perpetrator and the recipient might have been feeling and thinking;
- suggest what action(s) may be taken by the recipient of the behaviour; should they tell anyone? If so, who should they tell?
- discuss whether they have witnessed, done or experienced any similar behaviour. What was the outcome?

We suggest that these discussions will help students/participants to think about the impact of disrespectful and hurtful behaviours on others. In order to help students realize that there are actions that they can take to address discriminatory, harassing and

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bullying behaviours they may encounter, we developed a list of recommendations. We use the term harassment, but these recommendations apply also to discrimination and bullying:

### What can you do about discrimination, harassment or sexual harassment?

- Tell the harasser to stop, say you do not like what they are doing
- Tell a friend about the harassment
- Tell the school principal, a teacher, counsellor or other staff member
- Tell a parent, guardian or other trusted adult
- Remember that harassment and sexual harassment are wrong, are illegal and should stop. Don't tell yourself (or believe if anyone else tells you) that it's your fault. No matter how hurt or embarrassed you feel, don't ignore what's happening and hope that it will stop.
- Keep a journal/diary of events – note when the incident occurred, who was around, what was said or done by the harasser, what you said or did, how you felt, how the behaviours affected you. If the harassment happens electronically, print it out, or save the text or voicemail.
- Write a letter to the harasser – get help from a trusted adult to do this; describe the harassing behaviour; how it makes you feel; the consequences you have experienced as a result of the behaviour; a request that the harasser stop the behaviour; and a list of the steps you will take if the behaviour does not stop (i.e. report the harassment to the principal.)
- Get someone else to talk to the harasser
- Find out and follow the school harassment policy and procedures
- Take legal action (inform a lawyer or a police officer)
- **If it is cyber harassment and if it involves nude photos or threats, you should tell the police**
- Don't be a bystander – step in and interrupt any harassment you see and tell an adult you trust what you have observed.

The Alberta Civil Liberties Research Centre's publication "*Respectful Me, Respectful You*" is a valuable companion resource to this DVD. It contains additional information and activities you can use to further deepen discussion and learning.

**Key to Skits**

- Locker Incident – Attack on student at locker. ***Discrimination, Harassment and Bullying***
- Chip slap – Slapping student’s bag of chips. ***Harassment***
- E-Mail – Nasty e-mail message. ***Harassment, Cyber-Harassment***
- Break up – Boyfriend/Girlfriend bitter breakup. ***Harassment, Cyber-Harassment***
- Religious – Inappropriate comments about religious wear. ***Discrimination based on religious background***
- Book toss – Rude response to question for directions. ***Discrimination***
- Excluding behaviour – Judgmental comments about a fellow student. ***Discrimination***
- Sexual orientation – Verbal and physical attack based on sexual orientation or perceived sexual orientation. ***Discrimination, Harassment***
- Students doing homework – Verbal attack on students. ***Discrimination***
- Scary math teacher – ***Sexual Harassment***
- Person perceived as homeless – Verbal and physical attack. ***Discrimination, Harassment***
- Text – Nasty text message. ***Harassment, Cyber-Harassment***
- Restaurant – Indifferent treatment at a restaurant. ***Discrimination***
- Butt smack – Smacking female student’s butt. ***Sexual harassment***
- Desk attack – Attack on student at desk. ***Harassment, Bullying and Discrimination***
- Nude photos – E-mailing nude photos and issuing threats. ***Cyber-Harassment***
- New Student – Offensive remarks overheard by student. ***Discrimination***

The complete DVD script follows. It includes the two Chapters, each with an introduction by the Narrator, 17 skits and experts’ debriefings.

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**SCRIPT/DIALOGUE from DVD**

**Alberta Civil Liberties Research Centre**

**Respectful Me, Respectful You: Discrimination, Harassment & Human Rights**

**Chapter 1**

**Introduction: Narrator – Nirmala Naidoo:**

Welcome. The Alberta Civil Liberties Research Centre has produced this two chapter DVD, which focuses on the law dealing with discrimination and harassment in Alberta. It is intended for secondary school audiences. It will contribute to educating young people and adults about the remedies that they have available under the law, in dealing with intolerance, discrimination, harassment and bullying. We consider various legal resources and other remedies available in Canada.

The purpose of the DVD is:

- to lessen incidents of discrimination, harassment and bullying through educating young people about their rights and responsibilities.
- to encourage acceptance and understanding by promoting awareness of human rights among young people.
- to increase awareness of teachers and students about human rights law as it applies to discrimination and harassment, and,
- to provide teachers with a resource to address discrimination, harassment and bullying when teaching about human rights in the curriculum.

This DVD comprises two chapters. Chapter One deals with issues involving laws in Alberta around Discrimination, Harassment and Bullying and provides background and definitions to these issues. Chapter Two contains several scenarios created by young people... students who were asked to demonstrate situations in which they had been involved as victims, offenders, or witnesses to discrimination, harassment and or bullying. These scenarios are followed by a discussion of remedies and the applicable laws by experts in the field of law. The students based the scenarios in settings that are relevant to them and where most incidents happen, for example, school.

It doesn't matter the order you watch the chapters as they are both self-contained with some new and some similar information. Let's get started!

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Discrimination, harassment and bullying based on gender, religion, race, disability and sexual orientation are ongoing challenges faced by young people in Alberta and, for that matter, around the world. Canadian researchers are finding that these problems are widespread. The realities of school hallways, playgrounds and use of electronic media need to be discussed in a safe setting so that victims can learn about actions they can take, and so that offenders realize that what they are doing is against the law.

The resources of the Alberta Civil Liberties Research Centre emphasize human rights law. For those who are the target of discrimination, harassment and bullying, there are two messages. The first message is that recognition of the basic dignity, and the equal and absolute rights of all members of the human family are contained in the United Nations *Universal Declaration of Human Rights*. This message is echoed in Canada in the *Canadian Charter of Rights and Freedoms*, and in Alberta in the *Alberta Human Rights Act*. People who feel that they are under attack because of their race, religion, gender, disability, or other factors, need to know that this kind of discriminatory behaviour is condemned. Second, those who are targets or observers of such discrimination and harassment need to know what remedies are available, and how they can assert their rights, or speak up for others.

The key message to those who engage in discrimination, harassment and bullying is that this conduct is wrong and that their behaviours can get them into serious trouble. Let us take a quick look at a definition of human rights and some important human rights instruments which protect us all. For more information on them please see the User Guide which accompanies this DVD.

Human rights are moral rights which belong to everyone. The only qualifications required to have human rights are to be born and to be human. It doesn't matter where you live, how much money you have, what race or ethnic group you belong to or identify with, or whether you are male, female or transgendered. All of us have the same human rights, because we are all human.

The *Universal Declaration of Human Rights* was created by the United Nations on December 10, 1948, after World War Two. It sets a standard of human rights for nations around the world. It has been called "the most important human rights document of the twentieth century". Every year, December 10th is celebrated as International Human Rights Day around the world.

In Canada, every person has the democratic right to human dignity and other fundamental rights. These rights are permanently protected in the *Canadian Charter of Rights and Freedoms*. The Charter guarantees that certain individual rights and freedoms are protected when infringed by laws or actions of the government and its agencies, and not the private sector. Each province has human rights legislation which applies to the public and the private sector, and protects individuals from discrimination.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Discrimination is the unfair treatment of a person or group, usually because of prejudice about that person's race, ethnic group, gender, religion, sexual orientation, or other characteristic.

Everyone in Alberta, including young people under the age of 18, is entitled to file a complaint with the Province's Human Rights Commission if they feel they've experienced discrimination. The *Alberta Human Rights Act* prohibits discrimination in the **areas** of...

- Employment, employment advertising and trade unions...
- Tenancy, the rental of commercial or residential property...
- Services customarily available to the public, such as restaurants, theatres, schools, and...
- Notices and signs.

The Alberta Human Rights Act prohibits discrimination on the grounds of:

- race
- age, if you're 18 and over
- colour
- ancestry
- place of origin
- religious beliefs
- gender
- physical disability
- mental disability
- marital status
- family status
- source of income
- sexual orientation

Human rights are not absolute. Rights are influenced by responsibilities. It is important to understand that laws exist to protect everyone against discrimination. Someone who feels that he or she has experienced discrimination may seek remedies under Alberta Law.

Harassment is a form of discrimination. Harassment occurs when someone is subjected to unwelcome verbal, non-verbal, or physical conduct.

Bullying is a form of harassment. Bullying may involve taunting behaviours that are intended to harm, humiliate and create fear, and which continue regardless of objections, or requests to stop.

The World Wide Web combined with smart phone technology has provided individuals with a platform for Cyber Bullying or Cyber Harassment. This is using the Internet, cell

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

phones, social networking sites, or other digital technologies to harass, humiliate, bully, or harm others and includes:

- Making anonymous threats and insults.
- Spreading rumours and others' personal information.
- And creating videos or social media profiles which humiliate or make fun of others and in some cases drive them to desperate actions.

Sexual harassment is unwelcome, uninvited conduct of a sexual nature. In a school setting, it may involve remarks, gestures or actions that take place personally or electronically and interfere with a student's ability to learn, study, work, achieve, or participate in school activities. It consists of a wide range of behaviours including but not limited to:

- Unwanted physical contact, unwelcome remarks and verbal abuse
- Leering, whistling, jokes, & other behaviours or gestures of a sexual nature
- Demands, pressure for sexual favours/activity
- Display of suggestive pictures, pornographic, or other offensive images
- Using the Internet, mobile phones, social networking sites, or other digital technologies to harass, bully, or harm others in a sexual way.

Stalking is Criminal Harassment, which is an offence under the *Criminal Code of Canada*. Many students who harass others don't think what they're doing is a big deal. Some are trying to be funny, some are unaware of the seriousness of their actions and a few are out for revenge for something they think was done to them.

Remember that the Human Rights Law looks at the impact of the behaviour and not at the intention of the person doing the harassing or discriminating. If you are being harassed or if you experience discrimination do not ignore it and hope that it goes away. You must tell someone who can help you.

It's important to realize that every situation of discrimination or harassment is unique and the solution will depend on the circumstances. The issues are often complex and challenging. Some situations, while they may appear to be illegal discrimination or harassment, may actually be disrespectful, rude and offensive behaviour that is not considered a human rights violation or a criminal offence.

If you haven't already done so, go to the other chapter on this DVD and watch the scenarios. They are structured so that teachers may stop after each scenario or segment for in-depth discussion, or so that teachers may discuss the DVD as a whole. A User Guide accompanies the DVD. It contains further information on human rights, the entire script of the DVD, and suggestions for discussion questions and follow-up activities.



## **Chapter 2**

### **Introduction: Narrator - Nirmala Naidoo**

Discrimination... Harassment... and Bullying...

In Alberta schools, these incidents can lead to absenteeism, poor grades, depression and in extreme cases, even suicide. This DVD focuses on the law dealing with discrimination and harassment in Alberta and is designed to help young people and adults understand the remedies that they have available, under the law, when dealing with intolerance, discrimination, harassment and bullying. The information provided here also considers various legal resources and other remedies available in Canada.

The purpose of the DVD is:

- To lessen incidents of discrimination, harassment and bullying through educating young people about their rights and responsibilities.
- To encourage acceptance and understanding by promoting awareness of human rights among young people.
- To increase awareness of teachers and students about human rights law as it applies to discrimination and harassment, and
- To provide teachers with a resource to address discrimination, harassment and bullying when teaching about human rights in the curriculum.

This chapter comprises several scenarios, which are followed by a discussion of remedies and the applicable laws associated with those solutions by experts in the field of law. The scenarios were all created by young people... students who were asked to demonstrate situations in which they had been involved as victims, offenders, or witnesses. The students based the scenarios in settings that were relevant to them and where most incidents happen, for example, school. Before we get into our scenarios, let's look at some definitions and some facts about Discrimination, Harassment and Bullying.

What is Discrimination?

Discrimination is the unfair treatment of a person or group, usually because of prejudice about that person's race, ethnic group, gender, religion, sexual orientation, or other characteristic.

While there is no standard legal definition of discrimination, it usually means that someone is being treated unfairly because of a certain characteristic.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Everyone in Alberta, including young people under the age of 18, is entitled to file a complaint with the Province's Human Rights Commission if they feel they have experienced discrimination.

What is Harassment?

Harassment is unwelcome verbal, non-verbal, or physical conduct. Harassment is a form of discrimination. Harassment occurs when someone is subjected to unwelcome verbal, non-verbal, or physical conduct. Sexual harassment is unwelcome, uninvited conduct of a sexual nature. Unwanted physical contact, attention, demands, jokes or insults are illegal harassment when they occur in any of the areas and grounds protected under the *Alberta Human Rights Act*.

What is Bullying?

Bullying is a form of Harassment. Bullying may involve taunting behaviours that are intended to harm, humiliate and create fear and which continue regardless of objections or requests to stop. Frequently, bullies say they are "just joking" or "just teasing". Taunting is NOT teasing and not funny. Cyber Bullying or Cyber Harassment is using the Internet, cell phones, social networking sites, or other digital technologies to harass, humiliate, bully, or harm others.

Now that we have a bit of background on Discrimination, Harassment and Bullying, let's look at our student-based scenarios. You, as a viewer, will watch the scenario and then discuss whether it shows Discrimination, Harassment or Bullying or a combination of the three and why. After you've made your choice, go back to the DVD and our legal expert will provide you with an explanation on the legal aspects of the scenario. Track your score and see how many you get right. Good luck!

### SKITS

#### Locker Incident

Boy 1: Hey new kid.

Boy 2: Hey guys, how's it goin'?

Boy 3: Shut up.

Boy 1: Yeah shut up, why you so brown anyway?

Boy 2: Uh, I don't know, cause that's the way I am.

Boy 1: I don't like brown people.

Boy 2: Oh well my name's Mike and...

Boy 1: Shut up, no one asked you.

Boy 2: All I wanted to do was make new friends.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Boy 3: Shut up no one would want to be your friend anyway.

Boy 1: Yeah shut up.

Boy 1 pushes Boy 2 into locker and slams the door.

### **Expert:**

This is an example of harassment, bullying and discrimination, possibly based on race. The statement was made, "I don't like brown people." Mike should report the incident to the School Counsellor and to the Principal. The incident should be dealt with by school officials because it could be very unsafe for the victim and may also be illegal. The school should educate students about Human Rights and the right of every student to be safe, and to learn in an environment free from discrimination, harassment and bullying. If the school does not take action, a complaint may be made to the Human Rights Commission.

### **Chip Slap**

Boy 1 walks by Boy 2 and knocks bag of chips out of Boy 2's hands.

### **Expert:**

This is an example of non-verbal harassment and intimidation. We're not sure what might be the basis of this incident of harassment. Perhaps it is one of several incidents and may be a pattern of bullying and intimidation. The student who is being harassed should speak with the School Counsellor and Principal about the incident or incidents. The school will need to work with the harasser to get him to stop his offensive behaviour. If, in spite of warnings about his behaviour, the harasser does not stop, the student who is being harassed may make a complaint to the Human Rights Commission. In order to do this, he must identify that the harassment is based on one of the grounds protected by the Alberta Human Rights Act. He should keep notes on each incident, including where the harassment happened and what was said. Further guidelines are given in the user guide, which accompanies this DVD.

### **E-Mail**

Bully student 1: Keenan you suck! You're such a fag! LOSER!!

Send.

Keenan (reading e-mail): Loser. Really?! Now that sucks!  
(to himself) He's after me again!

### **Expert:**

This is an example of cyber harassment using the computer. While it is possible to trace the computer from which the message was sent, it may not be possible to actually trace

## **Respectful Me, Respectful You: Discrimination, Harassment & Human Rights**

who sent the message. We're not sure what may be the basis of this incident of harassment. It appears to be one of several incidents, and may be a pattern of bullying and intimidation because the student who was harassed thought, "He's after me again." The student who was harassed should speak with the School Counsellor and the Principal, especially if this is not the first offensive message he has received. The school should inform or remind all students of the rules of inappropriate and prohibited use of school computers. If in spite of school actions, the harasser does not stop, the student who is being harassed may also make a complaint to the Human Rights Commission.

### **Break Up**

Male Student:

I'm not really sure how things got so out of hand.

I broke up with Lisa about two weeks ago and she was pissed. I guess I could have been nicer about the whole thing but I'd never broken up with anyone before.

Anyway, her and a couple friends got together wrote some really crazy stuff about me on Facebook. I mean really nasty stuff.

My mom saw it and she freaked out. She called the cops and they laid charges on the girls. I couldn't believe it! But what they said was really rude so.... I guess they got what they deserved. Lesson learned for them.... and me.

**Expert:**

This is an example of extremely inappropriate, and in this case, criminal behaviour. What people do not realize is that information and items posted or sent via the Internet are there permanently. People can delete items from their devices but not easily from the servers and the police have access to these servers. In this case, the Police were notified and the perpetrators charged and fined.

### **Religious**

Sikh student:

When we were playing basketball at school, I threw the ball and it accidentally hit my Gym teacher. I apologized, but she responded by yelling at me in front of everyone. She said that somebody should hit me in the face and knock off my turban. And she laughed. Normally I would take action against that, that injustice, but under the circumstances, I thought that leaving would be best.

Nobody's supposed to disrespect my turban in such ways, not even myself. It was given as a crown and I wear it proud. It's so disrespectful and hurtful [to] see it treated in such ways, there's so much significance and history. I really feel she discriminated against me.

## **Respectful Me, Respectful You: Discrimination, Harassment & Human Rights**

I wanted to say something, but I wasn't comfortable saying anything to her. And this isn't the first time that she said something offensive. I want to tell the Principal and maybe he can talk to her. She needs to know that what she said was wrong.

### **Expert:**

The Teacher's remark was disrespectful and hurtful to the student and, it is not the first time she has said something to him or about him that he considers offensive. The student should speak to the School Counsellor and the Principal, as he is reluctant to speak to the teacher who made the remark. The Principal should speak to the teacher about the impact of her remarks. If the teacher's behaviour continues, the student may be able to complain to the Human Rights Commission.

### **Book Toss**

Carmen: So are you prepared for the diploma that's coming up?

Lisa: No.

Girl 3: (broken English) Um, excuse me, could you please tell me where the uh library is?

Carmen: I'm sorry I don't understand you. Speak English!

Lisa: haha, English, yeah.

Carmen: Have you heard her accent? Like where is it even from?

Lisa: I don't even know where your accent is either.

Girl 3: (broken English) I need to know where the library is, uh, no don't go.

Carmen: Don't touch me.

Lisa: Carmen.

Carmen: Lisa stay out of this.

Look you think you can go around pushing people. You people are so stupid. (Carmen knocks Girl 3's papers out of her hand).

### **Expert:**

This is an example of inappropriate and rude behaviour. It also shows an over the top and very inappropriate response to a simple request for directions. This could be a case of discrimination based on ethnicity and/or language. It could also be considered physical harassment or even physical assault since the young woman struck the other's papers out of her hand causing them to fall to the ground. The school, once made aware of this behaviour, should, at a minimum, provide education and awareness about discrimination and harassment, respect for each other, and physical safety for its students.

### **Excluding Behaviour**

Boy 1: Hi can I sit with you guys?

Boy 2: Um, no actually we're out of room at this table.

Boy 1: But there's a seat right there.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Girl: (coughs)

Boy 2: Um, actually that's reserved for a friend; she's going to come sit with us in a moment.

Girl: Sorry.

Boy 1: Oh that's all right. (Boy 1 leaves).

Girl: (coughs) Did you smell that?

Boy 2: Yeah, he has a very strong smell to him.

Girl: Yeah. Kind of smells like curry.

Boy 2: Just a little bit, yeah, just, wow.

### **Expert:**

This may be discrimination based on race or ethnic background. The comments are judgemental and hurtful. If the student overheard the comments made by the two students, and can prove that he overheard, then he may be able to make a complaint to the School Principal.

### **Sexual Orientation:**

Boy 1: You know guys? We seriously are the badest guys in school. Remember last week when we beat up that Lamar kid and his freaky friend?

Idan: Yeah! That was awesome!

Daegan: Yeah, I think I was away that day.

Boy 1: We are bad!

Idan: Yeah

Daegan: Yeah

Boy 1: Yeah.

Boy 1: Oh, check out this fag!

Boy 1: Is that a pink T-Shirt? Do we want to mess with this guy or what? With this pretty pink T-Shirt? So gay. (Pushes boy in pink shirt as he walks by).

Daegan: Come on Guys! Seriously? Pink Shirt! Yellow Shirt! So he's wearing a pink shirt. You think he's gay? You're wearing a yellow shirt! Are you gay? So what if he's gay? You're homophobic. Get real man!

### **Expert:**

This example can be considered discrimination and harassment based on sexual orientation or perceived sexual orientation. The student who was attacked could discuss possible actions with the School Counsellor and with the Principal. If the school does not

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respond to the incident, he may have grounds for a complaint with the human rights commission. He could also report the incident to the Police as he was physically attacked. As you might know, students have been wearing pink to openly show their support for LGBTT students who are targets of discrimination and harassment.

### **Students doing Homework**

Boy 1: Hey did you come straight from the reserve? Your clothes look like you found them in the ditch.

Boy 2: Maybe her magical ancestors made it for her.

Boy 1: What? Can't speak?

Boy 2: Maybe she's on something? They always are.

Boy 1: You know reserve Indians need to stay on the reserve. Maybe you should get back on the same bus you came here on. That's right, you probably can't speak. Woo woo woo woo woo.

Boy 2: You're giving her too much credit. She probably hitch-hiked here because she couldn't afford the bus fee here because she spent it all on booze.

Girl: What are you doing? Turning your back on your own people?

Boy 1: Hey.

Boy 2: She's not my people? I'm not like you guys.

Boy 1: Look it's another one. Are you like her too? Another drunken Indian?

### **Expert:**

This is an example of discrimination based on race. It may also be discrimination based on place of origin. Aboriginal people from reserves were mentioned, as was the derogatory term "drunken Indian". It is happening in a school environment. It should be dealt with by School Officials. The school should educate students about Human Rights and the right of every student to be safe and to learn in an environment free from discrimination, harassment and bullying. Schools should educate students on how stereotypes can lead to prejudice and discrimination. If this school does not take action, a complaint may be made to the Human Rights Commission.

This is another example of how negative stereotypes can lead to disrespectful, offensive and hurtful behaviour.

### **Scary Math Teacher:**

Pam: Well Hannah, today was a pretty good day except for the fact I think I failed my math test.

Hannah: I'm sure Mr. Almonte will let you re-do it.

Pam: Do you think so?

Hannah: Yeah he seems pretty cool.

Pam: Ok, I think I'll go talk to him.

Hannah: K I'll go wait over there for you.

Pam: Ok thank you.



## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Pam: Oh.

Teacher: Oh Pam, just the person I want to see. Can I possibly talk to you? It's about your math test mark.

Pam: Yes I needed to talk to you about that.

Teacher: Um, actually can we meet in my classroom?

Pam: Yes.

Pam: Is this the test?

Teacher: Yeah.

Pam: Thank you.

Teacher: You're doing a good job.

Pam: Thank...you.

(While Pam is working on the test, the teacher stands very close to her and touches her)

Teacher: You're doing a good job, just if you could actually carry the one over there then you would be pretty fine.

Pam: Ok, thank you.

Teacher: In truth, I have to talk to you about my feelings.

Pam: Your feelings for who? I thought you're married.

Teacher: No, actually my feelings for you.

Pam: But you're 39 and I'm 14 that will not work. (Pam rushes out of the classroom).

Teacher: Wait.

Pam: Where's the Principal, I need to talk to him.

Hannah: I think he's in his office.

Pam: K.

### **Expert:**

This is an example of sexual harassment. Sarah [Pam] is taking correct action in reporting the incident to the Principal who should deal with the very inappropriate and illegal behaviour of the teacher, which included suggestive touching and remarks. The School Principal should ensure that all of the teachers at the school are reminded of their Professional Ethics and Practice responsibilities and the School Board's Harassment Policies. The police may be contacted about possible charges. The school should educate all students about Discrimination and Harassment and what to do about them.

*Please note that the student experiencing the sexual harassment is Pam and not Sarah. We apologize for this error.*

### **Person Perceived as Homeless**

Girl 1: That's so funny.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Girl 2: I know.

Boy: Hey guys, look who it is. Another homeless junkie. (Spits)

Girl 1: I can't believe you just did that.

Girl 2: Look at her, what is she wearing?

Girl 1: Hey you, I'm talking to you.

Girl 3: Just leave me alone.

Girl 2: Aw. Did you hear that? She wants us to leave her alone. Why? Are you scared?

Boy: Maybe we can make her smell better. (Sprays scent on Girl 3).

Girl 3: Just go. Just go, just leave me alone.

Girl 1: Aw. Look she's crying.

Girl 2: Aw.

Boy: Fresh and crisp! Enjoy the bath?

Girl 2: Come on, let's get out of here.

Girl 3: I didn't do anything, I've never done anything, not to them. They treat me like I'm going to infect them or something. I'm not an animal, I'm not a disease, I'm not an addict. I can't even think right. I can't, I just can't do this anymore.

### **Expert:**

This is an example of harassment and discrimination based on source of income and possibly race. The statement "Look, another homeless junkie" was quite clear. It may also be an assault because the person presumed to be homeless was spat on and sprayed with perfume. This incident should be reported to the Police. The Police can determine if this is a hate crime. If the attackers can be identified and if the Police refuse to lay charges, then an enquiry should be made to the Human Rights Commission to determine if there are grounds for a complaint. This is an example of how negative stereotypes can lead to disrespectful, rude and even criminal behaviour. Schools should educate students on homelessness and the negative and stereotypical attitudes towards homeless people.

### **Text:**

Boy 1: YOU SUCK!!! HAH HAH!!

Keenan: I love this phone. Ooh, I got a text.

What the... ?? Who sent this???

That's crazy!!!

### **Expert:**

This is an example of phone or cyber harassment. It will be difficult to identify who sent the text message. The phone service provider can be asked to identify who sent the message. People need to be aware that these text messages and calls can be traced. If they contain harassment and/or hate speech, the Police can investigate and the guilty person can be charged.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

### Restaurant:

Waitress: Hi, how may I help you?

Sarah: We have a reservation.

Waitress: Ah, names?

Sarah: Sarah and Taylor.

Waitress: Right this way.

Waitress: Is there anything I can get you to start with?

Sarah: Um, I'll have a coke.

Waitress: Ok.

Waitress: And for you?

Taylor: I'll have a coke too please.

Waitress: Ok.

Taylor: So Sarah did you notice the new guy in biology yesterday?

Sarah: Ethan, he's cute isn't he? You should ask him out.

Taylor: I don't think Lisa would like that too much, I seen her flirting with him all class yesterday.

Sarah: Just because she flirts with somebody doesn't mean he belongs to her. You shouldn't let that bother you.

Taylor: Yeah, you're right. Maybe I will try talking to him tomorrow.

Waitress: Here are your drinks.

Are you ready to order?

Sarah: Um, yes I'll have the special.

Waitress: K. And for you?

Taylor: I'll have the soup please.

Waitress: Ok.

Sarah: Did you notice how she treated you?

Taylor: Yeah but it happens so often I don't really notice it anymore.

Sarah: Shouldn't let people treat you like that for no reason.

Taylor: Doesn't really bother me anyways.

Sarah: Yes it does. You shouldn't let people treat you like that. Maybe you should talk to her about it.

Taylor: Yeah, maybe I will when she gets back.

Waitress: While you're waiting, is there anything else I can get for you?

Taylor: No, but I would like to mention that I don't like the way I've been treated by you tonight.

Waitress: What do you mean? I haven't noticed anything.

Taylor: Well when you look at me, you're not really looking at me. And when you do, you give me dirty looks. And when you're talking to me, your tone changes and you seem very rude.

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Sarah: I noticed it too.

Waitress: Well, I guess I didn't really notice it. I'm sorry I should have been treating my customers better. I mean, I hope you don't think it's because of the way you look. Will you forgive me?

Taylor: I'll forgive you but hopefully next time you don't treat customers like you treated me today.

Waitress: Of Course, of course. Is there anything else I can get for you two?

Sarah: No we're good

Waitress: Ok.

Sarah: I'm really proud of you, Taylor. That was brave.

Taylor: I'm glad you suggested it. Thanks

Sarah: No Problem.

### **Expert:**

This may be a situation of discrimination based on race in the area of Services Customarily Available to the Public. It also demonstrates a way for an individual to address discrimination, if it is safe to do so, such as when there is an ally present.

### **Butt Smack**

Boy 1: Yo man, some girls in the school are pretty hot.

Boy 2: I know, look at Pam's butt.

Boy 1: I know it's so revolutionary and perfect.

Boy 2: And so round.

Boy 1: (laughs)

Boy 2: Go on, smack it.

Boy 1: I don't know her that way dude.

Boy 2: That's the whole fun of it.

Boy 1: All right.

Boy 2: Come on, you can do this.

(Boy 1 smacks Pam's butt)

Pam: Ow.

Girl 2: Are you ok?

Pam: No, not right now. But I think I will be later.

Girl 2: We should go tell Mr. Patterson, cause that is so rude that boys think they can just do that.

Pam: Yeah. I think so too, can we talk to the Principal right now?

Girl 2: Yeah of course.

Pam: Ok.

### **Expert:**

This is an example of sexual harassment and a case of physical assault.

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Pam is taking correct action in reporting the incident to the School Principal. Her friend would be a good witness to the incident. The school should educate all students about Sexual Harassment and physical assault.

### **Desk Attack**

Boy 1: Hey there's that brown kid, let's go bug him.

Boy 2: Yeah it looks he needs a good pickin' on.

Boy 1: Yeah. Let's go get em'.

Boy 3: Hey hey guys.

Boy 2: Hey brown kid, whatcha doing?

Boy 3: I'm doing some...

Boy 1: Shut up.

Boy 3: You know what? I've had enough of that.

Boy 1: Stop crying. Or I'll hit you.

Boy 4: Hey, hey stop it. Leave him alone.

Boy 1: Why should we?

Boy 4: Cause you wouldn't like it if someone did it to you.

Boy 1: Huh?

Boy 4: You wouldn't like it if someone did it to you.

Boy 1: Yeah, I guess. I'm sorry brown kid. Uh, I mean Mike.

Boy 2: Yeah we're both very sorry.

### **Expert:**

This is an example of harassment, bullying and possibly racial discrimination. The statement, "there's that brown kid, let's go bug him" was quite clear. Every student has the right to a safe environment in school. It was very brave of the person to intervene but one should only intervene when it's safe to do so. Mike should report the incident to the School Counsellor and to the Principal. The school should conduct anti-bullying and harassment education sessions for all students and emphasize compliance with the school's policies against bullying, harassment and discrimination.

### **Nude Photos**

Girl: It all started with this boy I liked. He never noticed me, no matter what I did. So, I got desperate. I sent him photos of me naked. I know, I know, it was stupid.

Anyways, this guy, he turned out to be a total creep because he told me, he would put the photos online if I didn't have sex with him.

I went to the school guidance counsellor cause I didn't know where else to go. I was so scared. Well, they phoned the police and what they told me shocked and scared me even more.

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The police said that even though I willingly sent the photos, since I'm under 18, the pictures are considered child pornography and both of us could be charged with distributing child pornography. It's even worse for him because he could be charged with pressuring me into sexual acts.

The police said they have a three-month window to lay charges. They left us with a warning and said that if either of our names come up in similar incidents, we could be charged with this one as well.

I can't believe I did that.

### **Expert:**

This is another example of extremely inappropriate and criminal behaviour, which could have ended up with both the boy and the girl being charged. The Police have the discretion to decide when to lay charges. The Police can give a warning as they did in this case.

### **New Student**

Girl 1: Did you see that new kid from India today?

Boy 1: Oh really?

Girl 1: He's wearing ripped clothes right?

Boy 1: Yeah, like here in Canada now, get some new clothes dude.

Girl 1: Yeah, and he was squinting too, did you see?

Boy 1: Yeah, he needs to get glasses. Probably too poor to afford them?

Girl 1: Yeah, bet his family works at a convenience store.

Boy 1: Like Apu, please come again.

Girl 1: Yeah, The Simpson's!

Boy 2: (overhearing what they are saying) I don't need glasses, it was just too bright in that class, it has nothing to do with me needing glasses or anything and I'm only wearing these clothes because I'm proud of my culture and I just want to preserve it. Has nothing to do with me being poor or my parents don't work at any convenience store, they're both doctors, I don't know and what do these things have to do with who I am as a person and I'm really confused.

Girl 1: Oh my gosh, that was him.

Boy 1: You know, I really wanted to know the kid but I'm just starting to fit in with friends. I never usually have friends like this but if I start to talk to him, I don't know what's going to happen. I don't want to risk that.

### **Expert:**

This is an example of inappropriate comments made within earshot of the new student. It was not intended that he should hear what the other two students were saying, but he did hear. The comments had a negative impact on him and his feelings were hurt.

## Respectful Me, Respectful You: Discrimination, Harassment & Human Rights

Impact is important, not intention. He should discuss what happened with the School Counsellor and possibly the Principal. The school should educate students about Human Rights and the right of every student to be safe, and to learn in an environment free from discrimination, harassment and bullying. The school should set a goal of achieving a welcoming and inclusive environment for all students, especially new students from diverse backgrounds. The impact of negative and hurtful comments should also be addressed.

### **CLOSING Remarks – Narrator – Nirmala Naidoo**

That's it for the scenarios. How did you do?

It is important to realize that every situation of discrimination or harassment is unique and a solution will depend on the circumstances. The issues are often complex and challenging. Some situations, while they may appear to be illegal discrimination or harassment, may actually be disrespectful, rude and offensive behaviour that is not considered a human rights violation or a criminal offence.

Remember that the human rights law looks at the **impact** of the behaviour and not at the **intention** of the person doing the harassing or discriminating. If you are being harassed or if you experience discrimination, do not ignore it and hope that it goes away. You **must** tell someone who can help you.

By speaking up and reporting disrespectful, offensive or criminal behaviour, **you** can help your school, sports group, or community group create and maintain an inclusive, safe and welcoming environment.

**Production Credits for Discrimination and Harassment DVD**

**List of Credits/Thanks**

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Students in the Students for Change Group at Dr. Gladys M. Egbert Junior High School, Calgary, Alberta.



## **Respectful Me, Respectful You: Discrimination, Harassment & Human Rights**

The Facilitators and Students in the Antyx/USAY Aboriginal Anti-Racism Movement Group 2010/2011.

The Coordinators and Students in the Red Cross Youth Training and Action (YTA) Group and the Multicultural Youth Action (MYA) Group, 2009 to 2011.

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