

The Citizenship Handbook

A GUIDE TO DEMOCRATIC RIGHTS AND RESPONSIBILITIES FOR CANADIANS



B.C. Civil Liberties Association

Murray Mollard

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This edition of the *Handbook* reflects a shift in focus that was made to reflect the opportunity to promote its use to a larger audience. Some references to new Canadians have been removed making this edition more accessible to all Canadians, native born or immigrant.

Murray Mollard
2008

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Preface

This *Handbook* is designed to help young Canadians, people who have received their Canadian citizenship or those who hope to become citizens soon. Citizens of Canada have special rights and responsibilities which visitors to our country do not share.

This *Handbook* therefore does not discuss the specific rights and responsibilities of:

- ✓ landed immigrants
- ✓ refugee claimants, and
- ✓ those holding a temporary visitor or residence visa.

However, they still may find this *Handbook* useful if they want to understand citizenship in Canada. It may also be useful to native-born Canadians, who often take their democratic rights and responsibilities for granted.

We hope that the information and advice in this Handbook encourages you to participate fully in the democratic life of Canada.

Readers should know that *The Citizenship Handbook* is also available in Punjabi and Vietnamese.

i The English version is available on-line at www.bccla.org/05pubs.html.

If you have any suggestions on how the *Handbook* might be improved, please contact the B.C. Civil Liberties Association.

The B.C. Civil Liberties Association is a non-profit, non-partisan charitable organization that works to protect the civil liberties of Canadians. The BCCLA accepts complaints from the public, undertakes law reform and public education and occasionally goes to court to fight for our freedoms.

As you will discover, Canada encourages you to share your ideas and perspectives.

How This Book Works

We have divided this *Handbook* into six chapters:

- ☑ *Chapter 1 introduces the topic of citizenship.*
- ☑ *Chapter 2 discusses values Canadians share.*
- ☑ *Chapter 3 explains Canada's political systems.*
- ☑ *Chapter 4 talks about the protection of your rights and freedoms.*
- ☑ *Chapter 5 gives advice on making the political system work for you.*
- ☑ *Chapter 6 describes your rights and responsibilities in dealing with government agencies.*
- ☑ *Chapter 7 lists free legal resources.*



Chapter I

Introduction

You may have many questions about being a Canadian citizen.

- ☒ *What does it mean to be a citizen of Canada?*
- ☒ *Why should I be interested in politics or government?*
- ☒ *What important values do Canadians share?*
- ☒ *How does Canada's political system work?*
- ☒ *What are my rights as a Canadian citizen?*
- ☒ *What are my responsibilities as a citizen?*
- ☒ *How can I help make positive changes in Canadian society?*
- ☒ *What can I expect when I ask government agencies for help?*

We have created this *Handbook* to help you find answers to these important questions.

Citizenship in Democracy

The United Nations has declared Canada to be one of the most desirable places to live in the world. At the same time, some Canadians complain about our government and say they feel powerless to do anything about it.

How can Canada be considered to be one of the best places to live in the world while some people feel powerless to influence our government? Why is this an important question for you, as a citizen of Canada, to think about?

It is important because all citizens—men and women, young and old, rich and poor—decide what it is like to live in Canada.

Canada offers:

- ☒ excellent education and health care systems,
- ☒ many economic opportunities,
- ☒ a society in which citizens respect each other, even though they come from different backgrounds and have different ideas.

All of these characteristics and values are the result of citizens' desires and efforts. Canada is considered one of the best places to live in the world because our citizens work to make it so.



At the same time, all citizens must be concerned about complaints about the government. In a democracy it is all of us together as citizens who determine the laws of our country.

Democracy is the system of government that allows all citizens to participate in decisions that affect their lives. We do this by electing governments and by participating in democratic life.

One way to understand Canada's democracy is to imagine a person coming to our country and asking, "Who is in charge here?" The answer should be: "We are all in charge here. There is no one person in charge."

You may find this idea a bit unrealistic. Certain experiences in your life in Canada may make you feel powerless, especially when you deal with government. In a democracy with more than 30 million people, this feeling is

natural and perhaps unavoidable. But it is important to remember that we as democratic citizens share authority to govern ourselves. Canada is special because it is possible for you to change society. Sometimes it will be up to you, alone or together with others, to change a feeling of powerlessness into a feeling of being in control and making a difference.

No democracy, even Canada's, can ever be perfect. But Canada does offer us real opportunities to shape our society.

Citizens have both responsibilities and rights.

We have a responsibility to recognize each other's rights as citizens. We have a responsibility to obey the law, and to deal responsibly with those people we have given special authority, such as police and government officials.

Democracy balances these responsibilities with many basic rights. Our government officials must treat each of us with respect, and must honour the various rights and freedoms which we possess as citizens. Democracy guarantees these rights to us in the law.

Of course, not all our freedoms and rights can be guaranteed by law. Basic rules about respecting other people must also be a way of life for each of us.

Even where our rights are guaranteed by law, the law alone is not enough to protect them. For democracy to succeed, all citizens must make a personal commitment to democratic values and actively practice them in their daily lives. Without this commitment, our rights as guaranteed in the law would lose their value, and our society would lose its democratic spirit. The vitality of Canada's democracy depends on all citizens' commitment to our shared democratic values.



Canadian Values and Traditions

Canadian society is based on a set of important values and traditions. Canadians work hard to develop a society that respects these values. They include a respect for cultural differences, equality, liberty and freedom of expression. We will discuss these values in more detail in Chapter 2.

You may be familiar with many of these values and traditions. Others may be new to you. Or if you are an immigrant, perhaps the government in your former country prevented you and your fellow citizens from practicing these values.

Our laws and government programs reflect our traditions and values as a society. If you are a new Canadian, you may find some of our laws and government programs strange. You may even think they are wrong.

But if you are a new citizen, you have a responsibility to understand the values that are reflected in our laws or programs. You also have a responsibility to adjust to Canadian values and our way of life. Canadian citizens have a responsibility to respect Canadian values.

Even after you take time to learn and adjust to Canadian values, you may still find that a law or government program makes it impossible for you and your family to follow your own traditions.

Or you may feel that a law or government program is unfair to you and others because it doesn't reflect Canadian values.

If so, you have a responsibility as a citizen to work to convince other citizens (and our governments) that the law needs to be changed.

This is a major responsibility in Canadian democracy. Our laws and government programs must benefit all Canadians, rather than just a particular group.

Women in Canadian Society

***Canadian society
considers women as
equal to men.***

In many societies women are considered inferior to men, particularly in terms of family responsibilities.

Canadian society considers women as equal partners in the family, the business world, and in our public life.

This change has happened quite recently. Canadians are now working hard to make this value of gender equality a reality in all aspects of our society.

Some Canadians, especially men, will need to adjust to this value and learn to respect women as equals.

The Media in Canada

Canada recognizes that the media play a special role in democracy

In some countries, public officials are rarely criticized by citizens or the media. Journalists can risk imprisonment and even torture for criticizing their government.

Canadian media—our newspapers, magazines, radio and television—monitor the actions of governments very closely. They comment on government actions, programs and policies, and frequently criticize public officials.



Their role is to promote government accountability.

Accountability means that citizens have the right to review government actions, as well as the right to demand changes.

Since the media also give close attention to the concerns of citizens, they can play a powerful role in social change.

Should You Worry About Participating in the Democratic Process?

If you are a new Canadian, you might think that it is not wise for you to become involved in political matters. Perhaps you worry that:

- ☒ You should not criticize the government, its laws or programs because you might cause trouble for yourself or your family, or might even risk your family's citizenship.
- ☒ You do not have the language skills or knowledge about Canada that you need to make a difference.
- ☒ Other Canadians will criticize you for not accepting the way we live here.
- ☒ You should not criticize the government because you are a new citizen who should be thankful for being accepted into Canada.

If you are new to Canada, it is normal to have these feelings. However, Canadians respect other citizens' rights to speak out and raise concerns, even if they disagree with them. *Freedom of expression* is one of the most important values in our society.

No one can take away you or your family's citizenship just because you are critical of a government or its programs. If someone threatens to do this, there are many groups willing to help you.

As a citizen you have the right and responsibility to participate in democracy.

Four Reasons Not to Worry

If you do have any of these concerns, here are some things to remember:

- ☑ **New Canadians make many important contributions to Canadian society.**

Our nation has been built by new Canadians just like you. You should take pride in that heritage.

- ☑ **Almost all citizens or their ancestors at one time were new Canadians.**

All of us (or our ancestors) came to Canada from somewhere else. Most of us arrived within the last one hundred years. (The important exception to this is our aboriginal peoples.) Coming from another country does not mean that you are a second class Canadian. You are simply a *newer* Canadian.

☒ **Politicians are becoming more responsive to the needs of cultural communities.**

Many politicians now try hard to understand the needs and hopes of new Canadians in various cultural communities. Politicians recognize that in a democracy, each person has an equal vote in deciding who forms a government. The vote of a new Canadian is just as important as the vote of a native-born Canadian.

Ethnic communities can help a political party to win an election. Politicians from all political parties understand the voting power of various cultural communities in Canada. They work hard to gain the attention and support from these communities.

☒ **You are not alone**

Canada recognizes that new Canadians sometimes need help in adjusting to their new home.

All levels of government and many private organizations offer assistance, such as translation services, to help new Canadians adjust to their home. If you ever feel discouraged from stating your concerns or needs about a government program or law, you can turn to government and private agencies for help and support.

MOSAIC, the Immigrant Services Society of B.C. and SUCCESS are examples of organizations that provide support services for new Canadians.

- ☒ **MOSAIC offers information, oral interpretation, written translation, counseling, cultural orientation, English classes, community outreach, employment preparation, legal advice and advocacy.**



MOSAIC



Immigrant Services Society of B.C. provides English conversation classes, cultural orientation classes, family, individual and job counseling, escort-interpretation, and information and referral services.



SUCCESS offers a variety of services to all members of the Chinese and multicultural community, including immigrant airport reception, orientation, family and youth counseling advocacy, employment counseling and job training, and citizenship education programs.

Consult your phone book or visit your local community centre or library to learn about other agencies. In the Greater Vancouver area, the *Red Book* published by Information Services lists many multicultural and community-based organizations that provide these services.

Remember, as Canadian citizens, we are free to say what we believe. This is one of our most important freedoms.

Changing Canadian Traditions

Men in the Royal Canadian Mounted Police (RCMP) are now allowed to wear turbans in place of the traditional “Mountie” hat.

This change was very controversial. Many Canadians resisted it. Some believed that it showed “disrespect” for a Canadian tradition.

Citizen groups worked hard to educate Canadians about the religious significance of the turban for Canadians of the Sikh faith.

Because Canada values freedom of religion, federal policies were changed to accommodate Sikh men who become RCMP officers. Most Canadians now accept this as a sensible and fair change in policy.



RCMP Constable Baltej Singh Dhillon (1997)



Chapter 2

Values in Canada's Democracy

Democratic Values

Canadians share a basic set of values.

Canada is respected throughout the world as a truly democratic society. Unlike in some countries that claim to be democratic, Canadian citizens can participate in the governing of our country.

These values provide the foundation for our rights and responsibilities as citizens. They are the basis of our laws and government programs.

These shared values are also an important part of Canada's *political culture*. Our political culture includes the attitudes and customs we share as citizens in democracy.

Basic Canadian values include:

- ☒ equality
- ☒ respect for democratic decision making and the "rule of law"
- ☒ privacy
- ☒ co-operation and consultation
- ☒ non-violence

- ☒ due process
- ☒ respect for individual rights
- ☒ freedom of expression
- ☒ accountability

These democratic values are equally important in our private lives. They are the basis of our relationships with other people in our work, with our families and friends, and with other citizens who may be complete strangers.

In a successful democracy, these values are as important to citizens' relationships with each other as they are to our relationship with the government.

On the following pages we discuss the meaning of each of these values in greater detail.

Equality

Equality is one of the most important values in Canada.

All individuals in Canada are equal before the law, and must be treated equally by the law.

This means that you cannot be discriminated against, or treated unfairly because of your:

- ☒ **gender**
- ☒ **race**
- ☒ **age**
- ☒ **religious belief**
- ☒ **ethnic or national origin**
- ☒ **disability**
- ☒ **sexual orientation**
- ☒ **marital or family status**

We have a right to equal and fair treatment when we deal with government, with businesses, and with other individuals.

Our laws protect you against unfair discrimination when you:

- ☒ **use public services**
- ☒ **buy or rent a home**
- ☒ **deal with any government agency**

Equality means that you deserve to be treated with the same respect and consideration as any other person, regardless of your natural talents or disadvantages.

Sadly, this does not mean that unfair discrimination does not happen in Canada. Democratic societies are not perfect.

Racism Many new Canadians will encounter racist attitudes or other forms of prejudice. But they will also find that Canadian society strongly disapproves of such negative attitudes and actions.

Canada has many agencies to help people who are victims of discrimination.

For example, if you believe that you are denied housing because of your ethnic origin, you can complain to a human rights commission or tribunal in your province or the Canadian Human Rights Commission. These agencies were created to protect citizens against unfair discrimination.

*If we are treated unfairly,
or if we see others treated
unfairly, it is our
responsibility as citizens
to speak out.*

Respect for Democratic Decisions and the Rule of Law

We obey laws even when we disagree with them.

Canadian citizens respect democratic decisions, laws and policies even if they disagree with them. This is known as the *rule of law*.

The authority of government comes from citizens' consent. We give our consent as citizens by voting in elections and participating in the democratic process to determine laws and government programs.

Naturally, in a democracy as large as Canada, there are many different ideas about what our laws should be. Often these ideas cause disagreement. When the government creates a new law or program, you may not like it.

Even so, it is your responsibility to obey the new law. This is true even when you may disagree with it.

We have an obligation as citizens to respect the law for three reasons:

Democratic consent As a society, we have given our consent to a particular government to create laws. You may not have voted for the current government, but the majority of the citizens have elected the government.

Democratic process We are obliged to obey the law if the democratic process was fair.

A fair democratic process gives you and others a meaningful opportunity to participate in public debate about the creation of the law or government program. Laws and programs are often the product of compromises between citizens' different visions and interests.

Though you may not be successful in achieving your vision of the law or government program, you should at least have had a chance to influence the result.

There is also a practical reason why we agree to follow the law. When the government creates laws or programs that you do agree with, you want all other citizens to follow these laws, even if they don't agree with them. If we only agreed to follow laws that we liked, our society would always be in chaos.

Of course, if you don't like a particular law or government program, you have the democratic right and responsibility to work to change it. **Citizens work to change laws they don't like through the democratic process,** rather than refusing to obey the law.

Many laws and programs are changed after citizens' groups successfully persuade the government to include their interests.

The *rule of law* has other meanings as well. All citizens, regardless of their status in society, must follow the same laws as everyone else. Police officers, judges and politicians must obey the law like everyone else.

The rule of law also means that the law must be made according to well-established procedures. Finally, the rule of law means that citizens with authority, like the police, must respect the law when they deal with citizens.

The “Rule of Law” Means the Police Must Also Obey the Law

Society has given police officers many special powers so that they can properly do their job. But there are legal limits to those powers.

For example, when police officers make an arrest, they can only use as much physical force as needed in the circumstances.

In addition, when not at work, police officers must obey the law like every citizen.

For example, when police officers on duty respond to an emergency call, they are allowed to drive through stop signs and red lights (provided their signal light is flashing and their siren sounding to warn other motorists). But a police officer driving home from work must obey traffic laws like any other driver.

Due Process

Due process is closely connected to the idea of the rule of law.

Due process refers to the procedures that are followed by courts, administrative tribunals (such as human rights tribunals) and government decision makers.

These procedures are created to make sure that people directly affected by their decisions are treated fairly and reasonably.

For example, if you are accused of wrongdoing, due process requires that you have the right to know the rule you are accused of breaking and what evidence there is against you.

Due process also requires that you have a meaningful opportunity to argue that you are innocent.

Privacy

Democratic citizens have a right to privacy over most parts of our lives.

Privacy means that as citizens, we are free to do and think what we want to, without others knowing. Privacy lets us all be who we want to be. It also lets us express important emotions like love. Privacy does not mean that we can do whatever we want, when we want. There are always some limits on our freedoms, including privacy.

Privacy means that we control information about ourselves. Privacy lets us decide who will know what about ourselves. Privacy is a key value in our democratic society because it is important to our freedom from state interference. It is an important value for our freedom as self-governing citizens.

Privacy does not mean that the government must always get our consent to gather information about our private lives.

For example, every five years Statistics Canada collects detailed information about our private lives for the national Census. We are required by law to give this information. The Census is a collection of important information such as how many people live in Canada, where they live, what languages they speak, how old they are, and other characteristics of the population.

In chapter 4 we discuss laws protecting citizens' privacy.

Co-operation and Consultation

Co-operation and shared experience are essential to democratic decision-making.

We value these methods because they produce the best laws and government programs for our society. We make better decisions when everyone who will be affected participates in the decision making.

Decisions made after co-operation and consultation are more likely to receive support from citizens, rather than decisions made by just a few people.

Citizens should take the time to participate in democracy when there is an opportunity to do so.

Sometimes the government sponsors public meetings. At other times it will be up to you to pick the best time to make the government listen to you.

In a democracy, you benefit by taking advantage of your opportunities to participate in democratic life.



Non-violence

Peaceful change is best.

Canadians reject violence as a way of dealing with social or political change and conflict.

We use debate and discussion instead—even though these methods may take more time to make changes in society or to resolve conflict.

We believe that cooperation and peaceful methods are the best way to resolve conflict. We reject violence as a way to resolve our disputes.

These methods encourage Canadians to work together. They reduce divisions among us and promote unity.

Respect For Individual Rights

A fundamental value in Canada's democracy is respect for individual rights.

Democracy does not mean that a majority of the population can always impose its wishes on the minority. In a democracy, we also protect certain individual and minority rights. The *Canadian Charter of Rights and Freedoms* guarantees certain fundamental freedoms and rights to every individual.

These include:

- ☒ **freedom of expression**
- ☒ **freedom of religion**
- ☒ **freedom of association (the freedom of people to join a group for a common goal).**

Prayers in Schools

Most public schools in British Columbia once required children to repeat the Christian “Lord’s Prayer” together every morning before classes.

A group of parents complained that this violated the *Charter*. The B.C. Supreme Court agreed with them.

The Court ruled that this requirement violated the freedom of religion of children and parents who do not practice the Christian faith.

Public schools in British Columbia no longer impose public prayers of any kind. This reflects Canada’s commitment to freedom of religion and equality.

The *Charter* also protects democratic rights such as:

- ✓ **the right to vote**
- ✓ **mobility rights**
- ✓ **legal rights**
- ✓ **equality rights**

We rely on our courts of law to interpret *Charter* rights for us.

Individual rights are not absolute.

If the government creates a law that violates individual rights protected in the *Charter*, government can convince the courts that the law is needed for fundamentally important goals for society.

For example, student counselors in high schools can't counsel students that homosexuality is wrong even if they believe so because of their religious beliefs. Public schools have a responsibility to teach tolerance and respect for diversity of our fellow citizens.

The *Charter* allows some laws to violate individual rights for the benefit of society in general.

Mandatory Retirement

Until recently, many employers in Canada required their employees to retire, often at the age of 65, through mandatory retirement.

Our *Charter of Rights and Freedoms* protects citizens against discrimination on the basis of age.

The Supreme Court of Canada has considered cases in which individuals were forced to retire. These individuals argued that their employers had discriminated against them because of their age, in violation of their *Charter* rights to equality.

The Supreme Court agreed. But the Court then considered whether this discrimination could be justified in a “free and democratic” society.

According to the Court, some mandatory retirement policies can be justified because they help to create job openings for younger people.

The Court decided that this objective is very important for the benefit of the rest of society.

More recently however, in response to public pressure, provincial governments are changing the laws to make mandatory retirement illegal. This is a good example of the power of citizens to change laws.

Freedom of Expression

All citizens must be able to speak freely.

In Canada, we allow and encourage all people—women and men, young and old, poor and rich—to voice their opinions, even if they are unpopular opinions. For democracy to exist and flourish, ***all citizens must be able to speak freely***, without fear of punishment for what they say. Freedom of expression is a very important freedom for democracy for many reasons.

Freedom of expression is necessary for:

Government Accountability:

citizens must be able to express their concerns to and about public officials, without fear;

Democratic Participation: citizens must be able to read and talk about as many ideas as possible; better decisions come from full debate; and

Personal liberty: citizens need the chance to listen to, read and speak

out about different ideas for personal development and freedom.

Free Speech vs. Speech That Promotes Hatred

Freedom of expression can be controversial because it includes the right to express ideas that offend others.

Some individuals and groups express hateful opinions about others in society. In fact, in Canada we have criminal and human rights laws against expressions that promote hatred. These laws have been created to protect minority groups and promote the value of equality and respect for human dignity.

Some Canadians believe that these are bad laws because they *ensor* citizens' rights to express ideas, which is critical to democracy. In a democracy, citizens must decide for themselves what are good and bad ideas. Government must not decide that for us.

Canadian society generally discourages *censorship* in democracy because it takes away citizens' right to debate and discuss all ideas. Open debate is necessary for self-government in democracy.

We also discourage censorship because it is *counter-productive*—it does not eliminate the offensive ideas. Rather, it makes people who express these ideas go underground. Then the rest of society loses its opportunity to publicly reject these ideas.

Even worse, censorship often gives bad ideas and the people who express them much more public exposure because the media often report about controversial cases that go to the courts.

Citizens do have an important responsibility to respond to and reject ideas that they find offensive or hateful.

Competing rights Like other freedoms, freedom of expression is not an *absolute* value or right in democracy. Sometimes there are legitimate reasons for limiting a citizen's right to

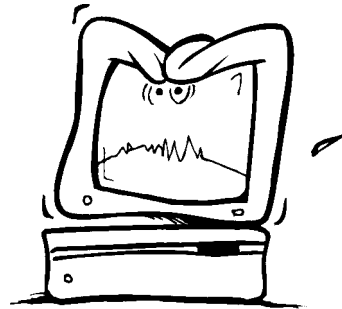
free speech expression.

Hate on the Internet

Many people are very concerned that the Internet is being used to promote hate and violence against minority groups.

Rather than censoring such speech from the Internet, some people use the Internet to respond to and argue against these ideas.

Democracy is healthier if citizens actively debate, accept or reject ideas, rather than letting government do this work.



Bubble Zones

There has been much controversy about the right of people who oppose abortion to demonstrate outside of abortion clinics.

In British Columbia, the government created a law that limited, but did not prohibit, the right to demonstrate around abortion clinics. Citizens could demonstrate against abortion but not within 50 metres from a clinic (creating a “bubble zone”).

In this example, two important values need protection:

- ☒ The first value is freedom of expression.
- ☒ The second value is the right to privacy for employees who work at the clinics and for women who want abortions.
- ☒ The third is the legal right to abortion in Canada.

By limiting the freedom of expression of abortion protesters, the government attempts to balance the right to protest with a woman’s right to privacy and to choose to have an abortion.

Democratic Accountability

Our elected representatives are accountable to us.

We give our elected representatives the direct power to make laws for our society. Unlike in some other societies, our politicians always remain accountable to citizens.

Democratic accountability has two meanings.

Our elected officials are answerable to us for their actions. During election campaigns, our elected representatives must explain their actions when they seek our support to represent us again.

Second, accountability also means that citizens have the right to participate in democracy by working to influence the creation of laws and government programs in a meaningful way.

Citizens have to do much more than simply vote in an election every four years.

Democratic accountability also means that all citizens have the opportunity and responsibility, every day, to influence the rules we live by in our society.

Your Role in Our Democracy

As a citizen, you are a part of Canada's unique democracy.

Without you and other citizens like you, and without your full participation in democratic life, a small number of elected officials and bureaucrats (employees of the government) would govern us.

New citizens of Canada are encouraged to adopt the values discussed in this chapter.

In democracy, citizens should not and cannot rely only on government, the law or our courts to guarantee and protect all our important values and traditions. It is the responsibility of all citizens to care for these values and to protect them.

There are many opportunities for you to do this everyday. Canada's democracy will be stronger if we remember to respect these values and encourage other citizens to do so.



These values are complex

Though all citizens may agree on their importance, we may disagree on how they should be translated into laws and government programs.

The advantage of living in a democracy like Canada is that there are many ways citizens can contribute to the process of translating these values into real laws and government programs.

We can contribute by:

- ☒ participating at public meetings
- ☒ working with political parties
- ☒ joining citizen groups that reflect our own personal philosophy.

As you begin to participate, you will realize that Canadians are deeply committed to the values discussed in this Chapter. We work hard to make sure that our society respects and protects these values.

As a citizen of Canada, you share this commitment to democracy.



Chapter 3

*A Practical View
of Canada's Political System*

Although Canada is small in population (over 30 million people), it is one of the largest countries in the world in terms of geography.

Due to Canada's unique geography and history, we have developed a *federal* system of government to allow citizens in different regions of the country to create laws that meet their own needs and interests.

This means that Canada has a central government, known as the *federal* government, as well as 10 *provincial* governments and 3 *territorial* governments.

In addition, there are local levels of government also known as municipal (city) or regional governments.

Finally, there are an increasing number of First Nation government authorities.



Canada's Aboriginal Peoples

Canada's aboriginal peoples (also referred to as people of First Nations) have lived in Canada for thousands of years. Some First Nations have their own government authorities.

In recent years, Canadians have continued to debate the appropriate political power for aboriginal governments without reaching a complete solution.

Historically, First Nations were governed partly by treaties (agreements) that they made with colonial governments.

Colonial governments existed before Canada became a nation in 1867. These treaties gave the people of First Nations particular powers, benefits and rights to hunt and fish and use land.



No treaties were signed in most of British Columbia. The B.C. government is negotiating agreements with many First Nations in the

province. The Nisga'a Treaty is a negotiated agreement between the Nisga'a Nation, the Government of British Columbia (B.C.) and the Government of Canada. The last step needed to give

legal effect to the Treaty took place on April 13, 2000, when Parliament passed the *Nisga'a Final Agreement Act*.

The Nisga'a Treaty is the first modern-day treaty in B.C. and is the fourteenth modern treaty in Canada to be negotiated since 1976.

Division of Government Powers

A *constitution* is the set of rules that a country uses to define government powers and the rights of citizens.

Canada's Constitution is the highest law of the country. It divides political and law making power between the federal and provincial governments according to different subjects like fisheries, banking and transportation.

Canada's constitution also includes the *Charter of Rights and Freedoms*.

The federal and provincial governments can make laws regarding a particular subject only if the government is authorized to do so by the Constitution.

Neither government can make laws dealing with subjects the other government has power over. This system is known as the *division of powers*.

The federal government and the provinces have equal status. Provincial governments delegate some of their powers to local governments (both municipal and regional governments), which fall under the authority of the provincial governments.

All citizens are subject to the laws of the federal government. They must also obey the laws of the province or territory and local governments in which they live or visit.

Since Confederation (when Canada became a nation, in 1867) our courts of law have interpreted the Constitution to resolve disputes between the federal and provincial governments about their powers. These court decisions have further defined the powers of the federal and provincial governments.

It is often difficult for the average citizen to know whether a particular subject would be dealt with by the federal government or by a provincial government.

Here is a very general guide to the division of powers.

Powers of the federal government are national in scope. They cover issues such as:

- ☒ national defense
- ☒ international relations
- ☒ immigration
- ☒ customs
- ☒ taxation
- ☒ crime

The provincial and territorial governments have law and policy making powers over:

- ☒ education
- ☒ social services
- ☒ hospitals
- ☒ natural resources
- ☒ motor vehicles

The federal and provincial governments also *share* powers over certain issues like the regulation of the environment and transportation.

Finally, provinces delegate some of their power to regulate local issues to municipal or regional governments. For example, local governments have powers to make laws regarding:

- ☒ land use, including construction of buildings
- ☒ garbage collection
- ☒ local policing
- ☒ fire fighting

To learn more about federal and provincial government powers to make laws and create programs, check the blue pages of your telephone book. These blue pages list the various agencies of federal, provincial and local government.

Federal and Provincial Government Elections

Canada is governed by *assemblies* of persons elected by citizens. These elected persons represent our interests in making laws and creating government programs.

Our federal government has two assemblies called the *House of Commons* and the *Senate*. Together, they are called *Parliament*.

Each province or territory has its own assembly, called a *Legislature* or Provincial Parliament. (In Quebec, it is called the National Assembly.)

Political representatives are elected to these assemblies from separate geographical areas called *electoral districts* or “ridings”. Canada is divided into ridings which are roughly equal in population for both federal and provincial elections. However, federal and provincial ridings cover different geographic areas.

Political parties nominate *candidates* to represent them in different ridings during an election. A political party can have only one representative for each riding. The candidate who receives the most votes within a riding is elected to the assembly to represent the citizens in their riding.

In federal elections, the person elected is called a *Member of Parliament* or MP. In British Columbia’s elections, the person elected is called a Member of the Legislative Assembly or MLA.

The party that elects the greatest number of representatives becomes the *Government*, and the leader of this party becomes the *Prime Minister* (federally) or the *Premier* (provincially). The party with the second highest number of elected representatives is called the *Official Opposition*.

Cabinet and Government Administration

The Prime Minister (federally) or the Premier (provincially) selects a smaller group of elected representatives from the political party that forms the government. This group of elected representatives is called the *Cabinet*. Its members, called *Cabinet Ministers*, are the most powerful government officials.

The government is further divided into *departments* (at the federal level) or *ministries* (at the provincial level). The job of the *civil service* (government employees) in a department or ministry is to help develop and implement laws passed by Parliament or a provincial Legislature. These employees are very important in developing new laws and programs for the government.

Each department and ministry is headed by a Cabinet Minister. For example,

the Department of Citizenship and Immigration Canada is headed by the Minister of Citizenship and Immigration.

Directly under a minister is a deputy minister, a non-elected *bureaucrat* (government employee) who is appointed by Cabinet. The deputy minister is the senior, non-elected public official in the Department or Ministry.

Deputy ministers are senior members of the civil service. They are very powerful people in government. Some people believe that deputy ministers have too much political power because they are not elected, and therefore not directly accountable to citizens.



The Senate

In the federal government, Senate members are appointed by the government rather than elected. All proposed federal laws must be approved separately by the House of Commons and the Senate.

In theory, the Senate was created to provide an impartial review of new legislation free of party politics. In practice, the Senate rarely rejects a proposed law approved by the House of Commons.

Senators are often appointed because of their relationships with a political party. They do not directly represent citizens of a particular riding.

Because Senators, unlike other government representatives, are not directly accountable to citizens, many people believe that the Senate is undemocratic and should be changed or eliminated.



Responsibilities of Elected Representatives

Elected representatives have two basic jobs: to participate in the governing of the country or province, and to represent the interests of their *constituents*. Constituents are the citizens in their ridings.

MP's and MLA's are responsible for representing all the citizens in their ridings, not just those citizens who voted for them. This is a very important responsibility of elected officials in democratic government.

It is the job of MP's and MLA's to listen to their constituents, and to report their concerns to the government. MP's or MLA's who belong to the governing party can, of course, more directly affect the government's laws and policies.

MP's and MLA's are also expected to help citizens with difficulties they may have in dealing with government agencies.

MP's and MLA's have offices in their ridings. They have employees or volunteers who understand the problems that arise between citizens and government agencies. These people are very valuable resources for citizens who need help or want to participate in democratic life. (See Chapter 5.)

Law Making

The most important responsibility of a government is to make laws and government programs to serve all citizens.

A proposed law, called a *bill*, is presented to the assembly and is voted on by the elected representatives. Usually a bill is *read* (presented) three times to the members of the assembly. This gives all the members a chance to review the law and ask questions about it. Usually, a bill is fully debated after the second reading.

If a bill receives more than 50% of the votes of the members, it becomes a law.

At the federal level, the bill must be passed by members of both the House of Commons and the Senate. Most bills are introduced by the governing party, though members of the opposition or other parties have some limited opportunity to introduce bills.

Elected representatives almost always vote on bills according to the official positions of their political party. Parties decide either to support or oppose a bill before a general vote on the bill in the assembly.

Where only two political parties have elected representatives, the governing party's position will succeed, since the governing party has more votes than the opposition party.

The situation becomes more complicated if three or more political parties have elected persons to the assembly.

If there is a *majority government*, then the situation is the same as when there are only two parties. A majority government occurs when the governing political party has more than 50% of all the elected representatives.

But if there is a minority government, the opposition parties can join together to vote against any bill sponsored by the government. A minority government occurs when the government has less than 50% of all the elected representatives.

If there is a minority government, the governing party tries to get one of the opposition parties to support the bill prior to the vote in the assembly. If it cannot do so, the government usually does not risk defeat by introducing the bill.

Some critics believe that voting on bills according to the political party position is a fundamental weakness of the parliamentary system of democratic government.

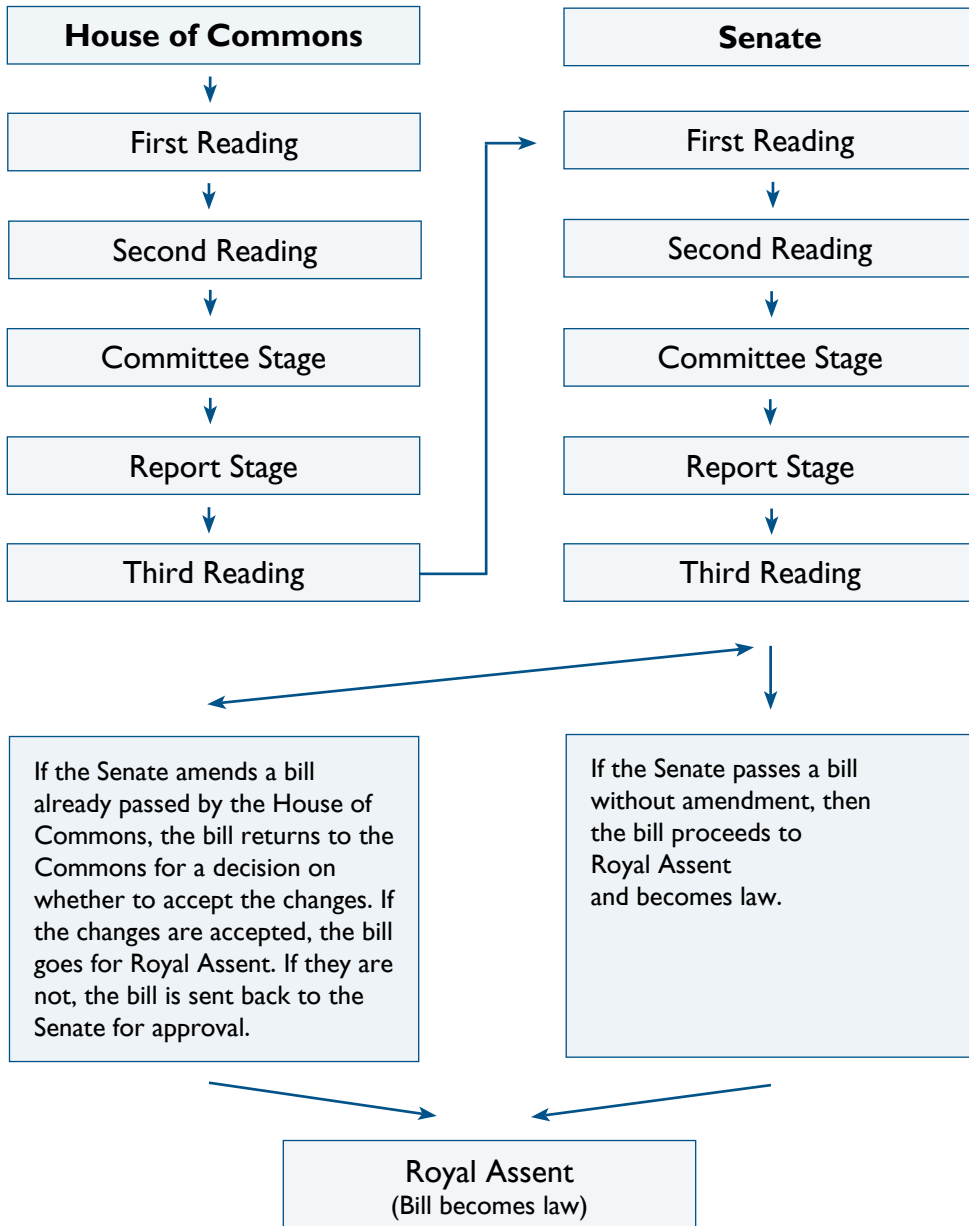
In the parliamentary system, elected representatives who vote according to their political party's position may vote against the wishes of a majority of the constituents in their riding or against their own views. This conflicts with the principle that they have been elected to represent the wishes of their constituents.

However, other people believe that our elected representatives have an important responsibility to provide leadership and to reflect the views of all their constituents, not just the wishes of the majority of them. As well, elected representatives have a responsibility to govern in the best interests of the entire country or province.

On rare occasions, a *free vote* occurs. In a free vote, elected representatives vote on a bill according to their constituents wishes or their own personal beliefs rather than their political party's position.

An important example of a free vote in the federal government was a proposal in the early 1980s to reintroduce capital punishment (the death penalty) for very serious crimes. A majority of MP's from all parties voted against this bill.

Legislative Process in the Canadian Parliament



Citizen Participation in Law Making

So far, we have only described how the politicians make laws. But what about your right and responsibility as a citizen of Canada to participate in democratic life, including law making? What opportunities do you have to be involved in making the law?

In the federal political system, citizens sometimes have a chance to state their views on a proposed bill. After a bill has received second reading, it may be sent to a special committee of MPs for more intense examination and debate.

A Parliamentary Standing Committee may invite the public to give their opinions about a new bill. This process gives citizens and citizen groups the opportunity to suggest changes in the bill before it becomes law.

After it has finished its work, the standing committee then makes recommendations to government to

change some parts of the bill. The government may or may not accept some or all of these recommendations.

Unfortunately, provincial governments use legislative committees much less frequently than the federal government.

Even if a bill does not go to a standing committee, citizens can contact the government and elected representatives and let them know what they think about a bill.

The most effective way for citizens to influence law making is to lobby government long before a bill is introduced. Lobbying is the process of trying to persuade a government about a proposed change to the law.

We will discuss citizens' opportunities to be involved in law making in more detail in Chapter 5.

Direct Democracy

Representative government is a system of government in which citizens elect others to represent their interests in government. Some people believe that this system is inadequate because it is so difficult for ordinary citizens to influence government affairs.

For example, though elected representatives are directly accountable to citizens in elections, federal and provincial elections usually occur approximately every four years. Some people believe that elections do not provide sufficient accountability in a democracy because elected members can ignore citizen's needs and interests between elections.

In response to these criticisms, new methods for direct accountability or *direct democracy* have recently become part of some provincial systems of government. These methods include procedures called *recall* and *initiative*.

Recall allows citizens who are dissatisfied with their elected representative to attempt to replace that representative before the next regular election.

Initiative allows citizens to create a law directly, rather than letting elected officials vote on a bill. Citizens vote directly on a proposed law or issue in a *referendum*.

For example, in British Columbia the law requires citizens to get the consent of many other citizens before they use the recall or initiative procedures. They do this by collecting the signatures of citizens on a *petition*. The law creates several conditions that must be met before the recall or initiative is successful. These conditions attempt to preserve a balance between our current system of *representative government* and direct democracy in which citizens decide directly the laws of the country.

If the conditions are difficult to meet, as they are in British Columbia, they will make it very difficult to use these methods for direct democracy effectively. Some people believe this is good for democracy while others believe this is bad for democracy.

There are many other criticisms of our form of government. Some people think that our form of democratic government does not adequately reflect the wishes of voters.

For example, in British Columbia's election in 1996, the New Democratic Party received only 39.5% of the votes of citizens. Yet NDP candidates were elected in 52% of the ridings and formed the government. In contrast, the Liberal Party received 32% of all votes and 44% of the "seats" in the Legislature, forming the official opposition.

In the federal election of 1997, 38% of Canadians voted for candidates of the Liberal Party, yet 51% of the elected representatives were Liberals. In contrast, 20% of Canadians voted for the Progressive Conservative Party, yet this party has only 7% of the representatives in our federal Parliament.

These examples provide ammunition for critics who say our present system of government does not share political power fairly. Some people suggest that we should reform our system of government so that it better reflects the distribution of citizens' support for various political parties' candidates.

Some provinces, including British Columbia, Prince Edward Island and Ontario have asked their citizens, using a referendum, whether they would like to change the first-past-the-post system to a different system like a proportional representation system as exists in other countries.

Local Governments

The constitution gives provincial governments the power to make laws about local issues in the province. Provinces give some of their powers to local governments, such as city councils, parks boards and school boards, to make *by-laws* regarding issues that affect local residents of a city or town.

Some provinces have created another level of governmental authority. *Regional governments* fit between the provincial government and municipal government to deal with regional needs.

Regional governments have limited authority, most often for coordinating planning in larger urban areas.

For example, Metro Vancouver coordinates planning for the various municipal governments in the Lower Mainland of B.C. Other regional districts help to provide local government for very small towns in rural areas.

Local governments may differ from federal and provincial governments in several significant ways.

- ☑ **Representatives may be elected at large as they are in Vancouver.**

This means that if there are 10 elected positions, the 10 candidates who receive the most votes are elected. However, many larger cities such as Toronto or Edmonton have a system of wards. Wards are like ridings. Candidates compete for election within a ward in the same way that candidates compete for election in provincial or federal ridings.

- ☑ **Less emphasis is placed on membership in or affiliation with political parties.**

Although representatives may belong to local political parties, they do not vote on proposed by-laws according to party positions as frequently as elected representatives in the provincial or federal government.

- ☑ **There is no cabinet of members with responsibility for various departments or ministries.**

All members or councillors are equally important, and most members belong to committees with various responsibilities such as finance, administration or planning.

- ☑ **The leader of the government is selected differently.**

For municipal councils, a *Mayor* is usually elected separately from other representatives. For school and parks boards, the members of the board usually select their own *Chair*. The Chair has the responsibility of organizing and leading meetings.

- ☑ **As well as dealing with issues introduced by elected representatives, the council or board respond to petitions or concerns directly from citizens.**

A major advantage of local governments is that citizens are often able to have a more direct influence on the content of by-laws and programs of their local government than in federal or provincial governments

By-laws and policies are passed by a 50% majority of the votes of the elected representatives.

Where elections are at-large, each member of the municipal council or board is responsible to *all* citizens in the municipality. Where elections involve wards, members are responsible for representing the concerns and needs of their constituents in their ward.

As in the federal and provincial government, the civil service administers by-laws and programs for local government. Civil servants are employees of the municipality or board. A local government *bureaucracy* is usually much smaller in size than the federal or provincial bureaucracy.

Many people believe the democratic spirit is more alive in smaller, local governments than federal or provincial politics. At this level, citizens are more familiar with the issues and they feel the impact of government decisions and programs more directly. Many people find it easier to participate in democratic life and make real changes at the local government level.

Your Role in the Political Process

Democratic government is complex.

Yet there are many opportunities for you as a citizen to participate in shaping our society whether it involves federal, provincial or local government.

When a particular issue interests or concerns you, first find out which government has authority to deal with the issue.

Chapter 5 will discuss ideas for how you can effectively influence government decision makers.

Your knowledge of Canada's political system will make it much easier for you to participate in democratic life.



Chapter 4

Protecting Your Rights

Protecting Your Rights and Freedoms

Canada protects its citizens' democratic freedoms and rights in our Constitution and our federal and provincial laws.

As citizens, if we think our rights have been violated, we can seek a remedy. A remedy is a solution that corrects the violation. It can include:

- ☒ an apology
- ☒ changing an unfair law or policy
- ☒ financial compensation

Citizens can look for a remedy by complaining to various government agencies or by using our courts of law to enforce their rights.

The various protections for citizens' freedoms and rights are effective only if we take action when we believe our rights have been violated.

It is part of your democratic commitment as a citizen to stand up for your rights. By protecting your own rights, you will also help others who are harmed by unfair laws, government programs or policies.

The Charter of Rights and Freedoms

In 1982, Canada's *Constitution* was changed to include the *Canadian Charter of Rights and Freedoms*—one of the most important events in Canada's recent political history.

The *Charter* identifies Canadians' *fundamental freedoms* and most important rights. It creates standards for how government agencies must treat us as citizens.



The *Charter* also creates limits on the power of government to interfere with citizens' most important rights and freedoms.

Some of the most important *Charter* freedoms and rights include:

Fundamental Freedoms

- ☒ freedom of thought, belief, opinion and expression including freedom of the press
- ☒ freedom of conscience and religion
- ☒ freedom of association and peaceful assembly

Democratic Rights

- ☒ the right to vote
- ☒ the right to hold office (become an elected representative)

Mobility Rights

- ☒ the right to enter, leave, live and work in any part of Canada

Legal Rights

- ☒ the right to life, liberty and security of the person
- ☒ the right to a fair trial
- ☒ the right to be free from unreasonable search and seizure
- ☒ the right not to be subject to cruel or unusual punishment
- ☒ the right to an interpreter in legal proceedings for people who do not understand the language

Equality Rights

- ☒ the right to equal benefit and protection of the law without discrimination

Limits on rights and freedoms

Although these rights and freedoms are very important, they are not *absolute*.

Government and the courts can place limits on these rights and freedoms, if they can show that these limits are justifiable in a “free and democratic society.”

Hate speech laws

In efforts to fight racism, the federal government and most provincial governments have placed limits on freedom of speech by passing “hate speech” laws. These laws place limits on Canadians’ rights to say what they want.

The Charter applies only to the laws, programs and actions of federal, provincial and local governments, and also to their agencies and employees.

It does *not* apply to the actions or programs of non-government organizations, such as *private sector* employers who are not part of government. Many Canadians do not understand this important distinction.

Drug testing A private company might decide to test their employees for drug use. Those employees could not use the protections in the *Charter* for a remedy against their employer.

Going to court If citizens think that a law or government policy or program violates one of their freedoms or rights set out in the *Charter*, they can ask the courts to declare the law or policy *unconstitutional*. If the courts agree, they will declare that the law either no longer applies to citizens, or else change the law so that it does not violate the *Charter*.

In practice, however, going to court to enforce *Charter* freedoms or rights is a very expensive and time-consuming way to get a remedy.

The Criminal Code

The *Criminal Code* is the federal law which describes actions that are crimes in Canadian society. It describes the penalty for each crime and the court process for determining whether an accused person is guilty of the crime.

The *Code* protects all of society by giving citizens notice of what types of actions are crimes. It protects society from dangerous people who have committed a crime.

The *Code* also protects each of us as citizens by defining procedures so that we can defend ourselves if we are accused of a crime. This is known as *due process*.

The *Criminal Code* also protects citizens' rights and freedoms by ***not*** including all sorts of behaviour that many people believe to be wrong.

For example, most Canadians think it is very wrong to be extremely rude and insulting. But this behaviour is not a crime (except when it involves a threat to another person).

In Canada, we try not to use the Criminal Code for all behaviour that may be morally wrong. Our restraint reflects our commitment to liberty and freedom.

Here is a short summary of specific ways the Criminal Code protects the rights and freedoms of citizens:

- ✓ Each crime is clearly defined so that citizens can know what type of actions are criminal actions.
- ✓ Government lawyers must prove beyond a reasonable doubt that the accused person committed the crime. This standard requires a lot of convincing evidence to prove that the person committed the crime. If the state can't provide this evidence, the accused is not guilty of the crime.
- ✓ The Code defines maximum and minimum penalties for most crimes. Courts may not give a penalty that is greater or less than the penalty stated in the Code. Accused persons have a right to make a full defence. This means that the accused person can make every argument possible to prove that he is not guilty of the crime.
- ✓ Accused persons have the right not to give evidence.
- ✓ Accused persons sometimes have the right to choose whether their trial will include a jury or just a judge. A jury is a group of other citizens who decide whether the accused is guilty.
- ✓ Accused persons have the right to be represented by a defence lawyer. An accused person who cannot afford to pay a lawyer may qualify for "Legal Aid". It is the responsibility of the defence lawyer and of the court to make sure that the accused person takes advantage of the protections of the Code.

Dealing with crime If you think that someone has committed a crime against you, you can make a complaint to the police. When the police receive a complaint from a citizen or if they have some other reason to suspect someone has committed a crime, they will investigate.

If the police discover enough evidence to lay a charge against someone for committing a crime, the police then work with Crown Counsel.

Crown Counsel are government lawyers who argue in court that a person is guilty of a crime.

Before going to court, Crown Counsel must decide that there is adequate evidence to prove the crime and that it is in the public interest to charge a person with a crime. If so, the police will lay a charge against the person, arrest the person and take him or her to court. If it can be shown beyond a reasonable doubt that the accused committed the crime, he or she will be punished by the court.

In some provinces, the police make the decision whether or not to charge someone for a crime rather than Crown Counsel. It is better for Crown Counsel to make this decision because they are experienced lawyers. Also, police may feel more public pressure to “solve” a crime by charging someone.

Human Rights Laws

Equality is a fundamental right and value in Canadian democracy.

Equality means that each citizen's needs and hopes are equally important. Citizens have a fundamental right to be treated with equal dignity and respect by government and other citizens.

The value of equality helps us to fulfill our personal potential in our lives and encourages us to become full participants in democratic life.

In addition to the equality guarantees in the *Charter*, Canada's federal and provincial human rights laws prohibit discrimination against a person based on:

- ☒ race
- ☒ colour
- ☒ national or ethnic origin
- ☒ age
- ☒ religion
- ☒ family or marital status
- ☒ physical or mental disability
- ☒ gender
- ☒ sexual orientation

Human rights laws differ from the *Charter*. These laws apply both to government agencies and to the private sector (employers, landlords, organizations and individuals who are not part of government).

These laws are there to protect you against unfair discrimination when you look for a job or housing, or when you use public services such as eating at a restaurant.

Making a complaint If you think you have been the victim of discrimination, you can complain to the Canadian Human Rights Commission Tribunal or to the various provincial human rights agencies such as the B.C. Human Rights Tribunal. These agencies have the power to investigate your complaint and take action to remedy the discrimination.

Remedies for unfair discrimination include:

- ☒ an order to stop the discrimination
- ☒ an order that you be offered the opportunity that was denied to you (for example, a job)
- ☒ an order that you be compensated for any expenses caused by the discrimination
- ☒ an order that you be given payment for your pain and suffering, including injury to your dignity, caused by the discrimination

In some cases, an employer may be ordered to create an *employee equity program*. This requires an employer to take steps to make sure that other people don't suffer discrimination in the workplace.

Access to Information and Privacy Laws

Citizens need access to information that is controlled by government for two reasons:

- ✓ to make informed, democratic choices
- ✓ to make our elected representatives accountable to us

Governments possess a huge amount of information about each citizen that is very private and sensitive. This

For democracy to be successful, citizens must have both an effective right of access to information and a right to privacy.

information must be protected.

Canada has both federal and provincial access-to-information and privacy laws.

Federally, the *Access to Information Act* provides citizens with a basic right of access to general information controlled by the federal government. This Act also creates a comprehensive system for citizens to request access to this information.

Most provinces also have access to information laws. For example, in British Columbia, the *Freedom of Information and Protection of Privacy Act* gives everyone the right to request and receive government-controlled information.

Access to information rights are not absolute. There are various exceptions if the government has a legitimate reason for not releasing the information.

For example, the federal and provincial laws include an exception for information provided to government in confidence (for the government's use only).

Other exceptions to the right of access include:

- ☑ information regarding national security
- ☑ information relating to law enforcement or investigation
- ☑ personal information about other people

Privacy rights Privacy is another fundamental right of citizens in a democracy. Though we must be able to get access to information regarding the government's activities, government must *not* be able to gather private information about us or monitor our personal activities without a very legitimate reason.

Equally important, governments must not release our personal information to other citizens or organizations.

The federal law that protects our personal information possessed by the federal government is known as the *Privacy Act*. Many other provinces have similar laws. British Columbia's *Freedom of Information and Protection of Privacy Act* also protects citizens' privacy.

In addition, there are privacy laws that create rules about how organizations in the private sector can collect, use and disclose personal information. In B.C., this law is called the *Personal Information Protection Act*.

Exceptions There are several exceptions to these principles in various laws. For example, police can collect information about citizens without their knowledge if police are conducting a legitimate criminal investigation. Police can also refuse citizens access to their own personal information if releasing this information might interfere with law enforcement or a police investigation.

Four basic principles of privacy



- ✓ Personal information about citizens may be collected by government or organizations only for a legitimate purpose. For example, provincial governments must have private information such as personal health information for medical insurance.
- ✓ Citizens must consent before the government can collect their personal information; government should notify citizens of the reason for the collection.
- ✓ Personal information may be used only for the purpose for which it was collected, unless the citizen consents to a different use.
- ✓ Citizens should have a right of access to their personal information, including the right to correct inaccurate personal information.

Government agencies are responsible for enforcing access-to-information and privacy laws. Federally, you can contact the Information Commissioner (to get access to information) or the Privacy Commissioner about federal government agencies. In B.C., one agency does both jobs. The Office of the Information and Privacy Commissioner can assist you with your concerns.

These agencies have the power to investigate the actions of government and organizations. Unfortunately, the recommendations of both the federal Information Commissioner and the federal Privacy Commissioner are not binding on the federal government. In contrast, the B.C. government must obey orders of the Information and Privacy Commissioner.



Other Federal and Provincial Laws

Many other federal and provincial laws and local government by-laws protect our democratic rights and freedoms less directly. Here are some examples:

Some laws give government agencies power to monitor citizens' activities.

However, these same laws allow citizens to question the activities and behaviour of government employees.

The Police The *Police Act* in British Columbia, and the federal *RCMP Act*, give police the right to enforce the law. These same laws also give citizens the right to complain about the conduct of the police, and to expect an adequate and timely response to complaints. (See chapter 5 for more information on police complaints.)

Certain laws create *watchdog* agencies. These agencies monitor the actions of government, and in some cases, make public reports about government behaviour.

The Ombudsman The Office of the Ombudsman in B.C. and Ontario accept complaints from citizens who feel they have been treated unfairly by provincial government agencies. The Ombudsman can make recommendations to the government and issue public reports. (See Chapter 6 for more information about the Ombudsman.)

Auditors General The federal government, and many provinces, have an *Auditor General* who monitors the way government manages public finances.

The Private Sector Some laws cover the behaviour of companies in the private sector (employers and organizations other than government). The federal *Bank Act* protects the interests of citizens who deal with banks. Most provinces have laws that protect the interests of consumers when they deal with sales people. Similarly, *credit bureaus* and *credit agencies* (organizations that provide information about a person's record of paying debts) are often regulated by provincial laws, which make sure the credit agency treats the citizen fairly.

Judicial Review Other laws give citizens the right to ask a court to review a decision by a government agency that affects them. This is known as *judicial review*.

Local Laws Some laws also limit our freedom in order to promote the common goals of society. For example, zoning by-laws limit the type of buildings we may construct on private property.

Respect Government agencies and their staff are required by law or policy to treat citizens with respect. *Respect* means more than just acting politely. It means government agencies must respond quickly to a complaint from a citizen, answer questions, explain decisions that affect the citizen and explain government policies and procedures in language a citizen can understand.

This chapter has described only a few of the laws protecting the rights of citizens. For more information, contact your local courthouse library, legal aid office, lawyer referral service or an advocacy organization.

Going to Court

As well as specific laws that protect our rights and freedoms as citizens, Canada has a very well-developed justice system. This system allows everyone to go to court to enforce his or her rights.

Common law Over time our legal system has developed various rules which allow Canadians to go to court to protect their rights and interests. Known as the *common law*, these rules control relationships between citizens rather than between government and citizens.

For example, the common law can protect a citizen's financial interests, their reputations or their property.

Legal aid It is very expensive to go to court. Some people criticize our justice system for being too costly for the majority of citizens to use.

Governments have created *legal aid* to make our justice system more accessible to the public. Legal aid is a system that provides legal services for people who can't afford to pay a lawyer. Unfortunately, legal aid is only available for certain types of legal issues such as criminal and family law.



Small Claims Court

British Columbia has a *Small Claims Court* to make it easier and less expensive for citizens to go to court to enforce their rights. Small claims court is designed to be used by citizens to settle disputes without a lawyer. In British Columbia you can use Small Claims Court only if the remedy you want is \$25,000 or less.

Throughout Canada, there are agencies that provide free legal services to people who cannot afford to pay for a lawyer. Contact your local law society for more information. For services in British Columbia, turn to page 120.

You can also contact law students for legal advice at the University of British Columbia and the University of Victoria.

Other agencies, like the *People's Law School* provide free public education about the law and your rights in the legal system.

Your Role in Protecting Our Rights

Laws that protect citizens' rights are valuable only if citizens take them seriously and use them when necessary.

It is an important part of your democratic commitment to stand up for your rights and to seek assistance when you believe that the government or other individuals are treating you or others unfairly.

the
people's
law
school



i The People's Law School website: www.publiclegaled.bc.ca



Chapter 5

*Making the Democratic Process
Work for You*

Participation in Canada's Democracy

Government and our laws can have a big influence on our lives. You may think that government programs need to be changed.

For example, you might think that a certain immigration law is unfair, or you might think a municipal by-law is wrong because it prevents you from doing what you want to do on your own property.

Canada offers you many different opportunities to make government programs and laws respond to your needs.

Voting The first and most obvious way to participate in democratic life is to vote at election time. By voting, you can influence who will represent you in government, and the general nature of new laws and programs.

As a new Canadian citizen you can vote in federal elections, provincial elections and local government elections.



Other Ways to Participate in Democratic Life

Voting is only one way for you to participate in governing our society. Between elections, there will be many opportunities for you as a citizen to influence our society.

In fact, your efforts to influence our laws and government programs between elections are perhaps the most important and effective contribution you can make to Canada's democratic society.

Political parties Many Canadians join a political party. Different political parties have different political philosophies. The largest political parties include the Liberal Party, the Conservative Party of Canada, the New Democratic Party, and the Bloc Québécois. There are many other political parties.

As a member of a political party, you can influence the party's positions on important public issues. To find out more about joining a political party, contact the party directly.

Citizens' groups Many other Canadians choose to participate in democratic life by joining a citizens' group that works on specific issues, such as protecting the environment, reducing government spending and taxes, or fighting poverty. There are thousands of citizens' groups that focus on many issues of public importance.

The focus of this chapter is on participation in democracy through citizens' groups or your own private efforts. Here are some ways you can participate in democratic life:

- ☑ writing to and meeting with your MP or MLA or local government representative
- ☑ starting a citizens' group to work on particular issues
- ☑ organizing or taking part in a public demonstration
- ☑ writing a letter or article to a newspaper that expresses your opinion on an issue of public concern, or distributing information about an issue yourself

The rest of this chapter explains a few of these strategies in more detail, with specific examples of individuals and groups who have used the democratic process to make a difference in our society.

Before you read the remainder of this chapter, make sure you are familiar with Canada's political system, described in Chapter 3.

Finding the Right Strategy

Unfortunately, there is no magic formula for being effective in democratic life. Different strategies may work in different situations. Your choice of a strategy may depend on the size of the changes you wish to make, the degree of controversy an issue creates, or on many other factors. A key to success in democracy is to be flexible: try different strategies and use the ones that work the best.

Experience is valuable but not necessary

If democratic participation is new to you, then you may feel more comfortable by learning from someone who has experience. But you should know that your successful participation in our democracy does not require citizens to have “minimum work experience.”

Educating yourself It is a good idea to educate yourself about the issues that are important in Canada. Read newspapers and news magazines, listen to the news on the radio or watch it on TV, or attend public meetings. By educating yourself, you will be able to make a better choice of who to vote for. You will also likely be more effective in your advocacy.

Freedom to participate One of the most desirable features of living in Canada is that you can participate in democracy without fear. No one in the government, or the police, or another citizen can prevent you from stating your opinions. Other citizens might strongly disagree with you and they may say so. But they cannot prevent you from making your views known.



Educate yourself!

Participation in democratic life can be demanding. Here are some things to consider before you become heavily involved in efforts to reform law and government programs:

- ✓ You will have to put quite a lot of your personal time and energy into the project. This may interfere with your personal life.
- ✓ You may find that the project takes many months or years to complete.
- ✓ You may receive a lot of public attention, which is sometimes negative if people disagree with your viewpoints.
- ✓ Your efforts to make changes may not be successful.

On the positive side, whether or not you are successful, you will likely find that:

- ✓ You have increased the public's knowledge about an important issue, which should improve your chances of making changes.
- ✓ You have made new friends, and gained the respect of people inside and outside your immediate community.
- ✓ You have learned a lot about how democracy and citizen organizations work.
- ✓ You have the personal satisfaction of acting on your beliefs about how your community, province or the country should be governed.

It is up to you to choose how and when you wish to participate in democratic life. Different citizens make different yet equally valuable contributions. You should know that many citizens learn that their participation in democratic life is one of their most rewarding personal experiences.

Organizing for Political Action

Getting public support The more public support you have for your cause, the more likely it is that elected representatives will listen to your concerns. If you find that you are unable to influence public policy on your own, consider seeking more allies who share your opinions.

Look for citizens' groups First, find out whether there is already a group working on the same issue in your community, in your province or elsewhere in Canada. If you find one, the members of that group can advise you how you can help.

Look for other individuals If you don't find such a group, try to contact other citizens who have similar concerns. You could do this by placing an ad in local or community newspapers, searching on the Internet, placing posters in community centres or contacting citizen groups that might be interested in your issue.

It may be useful to establish contact with influential members of your community regarding your concern. You could ask for their advice, for their support, and for the names of other important persons who might support your project.

When you don't find support If you do all this and find little support for your opinion, reconsider your position. Is it worth continuing with your efforts? Controversial issues require a lot of organization and effort. Without this support, you will likely face a long, uphill battle to make any effective change.

One person can still make changes Even so, Canada's history is full of many examples of reform that began with the efforts of a single, dedicated individual. In democracy, one person can make a difference. But you need to be realistic about your chances for success.

One Person Who Made a Difference

Craig Kielburger is a child rights advocate and leadership specialist. He also is an award-winning author and a popular speaker. On February 20, 2007 he was named a Member of the Order of Canada by the Governor General.

When Craig Kielburger was 12 years old he was shocked to learn about the murder of Iqbal Masih, a child labourer turned child rights activist. He established *Free The Children*, a group eager to take action and determined to help free children from poverty, exploitation and powerlessness. The organization began as a small group of classmates in Thornhill, but now has a head office in Toronto and offices around the world.



Under Kielburger's leadership, *Free The Children* and its volunteers have built more than 4,500 primary schools, providing daily education to over 540,000 children.

Convinced of the importance of leadership development in empowering youth, Kielburger co-founded *Leaders Today* in 1999. *Leaders Today* empowers young people through leadership education, providing them with the inspiration and tools to produce positive social change.

The organization delivers local and international training experiences, touching over 350,000 youth every year.

Photo courtesy of *Free the Children*, www.freethechildren.com

Effective Organizing

Successful citizens' groups are well organized. Whether you join an existing group or want to start your own group, it is important that the group operates effectively. Here are some suggestions for organizing a successful group:

Organizing A citizens' group is successful because its members are working on specific activities that will achieve the group's goals. Each member should have a specific job. Someone in the group should have the responsibility to make sure other members are doing their job. The group should choose some members to organize meetings, others to work on publicity and others to do fundraising (collecting money) if the group needs money to pay for its activities.

Meetings Meetings are an important part of every citizens' group. Every group should have a chairperson to facilitate meetings and prepare an agenda (a list of things to be discussed). The chairperson must make sure the meeting is efficient (not too long) and that all members attending the meeting feel comfortable in contributing to the discussion.

Publicity It is important to publicize your group's efforts to reform a law or government program. Not only will publicity attract new members, it will also alert politicians that there is an issue in their community they must respond to. MP's, MLA's and local government representatives are usually more responsive to citizens' concerns when these concerns receive wide media attention.

Public Events Public events help to publicize your group's efforts and raise money. However, they can take a lot of time and planning to do well.

Public Demonstrations

Public demonstrations can be a very effective way to put pressure on the government to do what it does not want to do. The public is more likely to support a demonstration if it is non-violent and the demonstrators do not break the law. Canadians have a long history of using public demonstrations to express their concerns about the government's

conduct and to demand changes.

One demonstration will rarely be enough to force the government to change its mind. But public demonstrations can focus a lot of public attention on the group's concerns especially when they are well-timed and properly organized. Successful public protests can force the government to review, and possibly change, its laws or programs.



Using the Media The media can be a citizen group's best friend. The media is very influential in Canada. Reports on TV and radio and newspaper and magazines articles bring your concerns to the attention of other citizens and elected representatives. The media often contact citizen groups to find fresh and interesting subjects for reporting.

Your group should have a plan for working with the media. For example, to effectively communicate a message to the media, many groups choose one or two members to be *spokespersons*. (A spokesperson is someone who speaks on behalf of a group and who makes sure the media know about the group's activities.)

Using Opposition Parties

Opposition parties are also the friends of citizen groups. Their job is to criticize government, so they listen carefully to citizen groups who want to make changes. Your group can use opposition parties to bring your concerns to the attention of the government, the media, and other citizens. Contact a local MLA or MP from an opposition party or approach a senior member of the party directly. As well, opposition parties often have members (known as *opposition critics*) who are directly responsible for responding to issues associated with particular ministries.



Contacting Appropriate Persons

Who to Contact

Contacting the right people will be important to success in making changes to laws and government programs.

Approaching the Government

At some point, even if you have been successful in getting the media or an opposition party interested in your concerns, your group should approach a senior member of the government. Either approach the Minister responsible for the relevant government agency or the Deputy Minister.

You may also wish to approach other Ministers for support who could be valuable allies. On the following pages, this *Handbook* includes more tips about who to contact in government. No matter how much public support you have for your position, you must still convince the government to make the changes.

As a general rule, you should approach an influential person in the government agency who has the authority to recommend changes.

To find out the best person to contact, speak to someone who works in the agency. Or consult someone who is knowledgeable about the agency. You can start by simply contacting the agency by phone (check the blue pages in the phone book) and doing some basic research at your community library or on the Internet.

Usually, the Cabinet Minister or Deputy Minister responsible for the issue has the greatest ability to influence law making and government programs. Unfortunately, it is usually more difficult to arrange to meet with them.

It is often helpful to contact your local MP or MLA. You can bring your concerns to the attention of your MP or MLA either by letter or in a meeting. A meeting with your elected representative is usually much easier to arrange than a meeting with a Cabinet Minister. You may wish to gain the support of your MLA or MP first before approaching the Minister or Deputy Minister. Your MLA or MP may be able to influence the government directly.

For local government issues, it is usually easier to arrange a meeting with local elected representatives.

Whichever government you must deal with, the key to success is to determine who will be most sympathetic to your concerns. Always contact them first. In some cases, you may determine that a member of the civil service will be more sympathetic to your concerns than a politician.

Getting Support for Your Cause

In democracy, certain individuals and organizations are respected for their wisdom and experience. Not everyone always agrees with their opinions, but we tend to listen carefully to what they have to say.

Before you approach the appropriate government official, you should solicit the support of such prominent persons or organizations who agree with your proposals for change. Such support is especially helpful from persons or groups who are not themselves affected by the law or policy. These supporters will be perceived as more independent in their judgement because they have less to gain personally from any changes.

How to Make Contact

Ask for a personal meeting with the government official.

To get a personal meeting, you will usually have to send a written request. In your letter, explain what you think is wrong with the law or government program and how you think it should be changed.

Here are some guidelines for writing this letter:

- ✓ First, you must understand the law or program. Get a copy of it. You also need to know how the law or program is applied by the civil service.
- ✓ Keep the tone of the letter formal.
- ✓ Clearly state the principle or value you think is in issue. See Chapter 2 for a discussion of important Canadian values.
- ✓ If you can, supply examples of the undesirable consequences of the law or program.

- ✓ If you can, give examples of other governments that have adopted the approach you recommend.
- ✓ Include any letters of support from others for your request.
- ✓ Finally, ask for a response.

If you are able to arrange a meeting, make sure you notify the government of all the people who will attend. During the meeting, present your arguments politely but firmly for changing the law or government program. When you plan and give your presentation, follow the same guidelines as for writing a letter.

Following Up

Write another letter After a meeting, always write the government official you met with to restate what happened at the meeting. This letter gives both of you the chance to clarify expectations and communication. It also creates a written record of the meeting.

If there is no response It may take some time—even several months—before you receive a response from the government official. If you have had no reply after this time, write a short letter reminding the official of your previous letter or meeting, and ask for a response.

If there is a positive response

If the government responds and agrees to change the law or program you deserve congratulations! It is difficult and time consuming to convince government to make changes to laws and programs, so you have done very well.

Write a thank you letter Don't forget to write a letter thanking the official for the positive response, and asking the official to tell you when the change is made. It is one thing for a government to agree to make a change, and another to do it.

Monitoring government action If you do not hear from the government that they made the change, do not hesitate to write again. Keep this up until either the change is made, or you are convinced that nothing is going to be done. Realistically, it takes a long time to *lobby* (to try to persuade government) to make changes.

Most often, it will take more than just one exchange of letters or one meeting to convince the government to make changes.

In some cases, the government will ask the general public for their opinions on whether a law or government program needs to be changed and how it might be changed.

Democratic change can be a slow process Even if the government agrees to make changes, it can take a long time before the changes are made.

Laws can only be made or changed when Parliament, the legislature or local government is in session. This may only occur one or two times during a year.

You will need a lot of patience and perseverance to participate in democratic life.

When Other Strategies Fail

You or your group may not be successful with writing letters, meeting with the government or other strategies. But you continue to believe that a law or government program needs to be changed.

There may be several reasons why the government refuses to change the law or its programs:

- ✓ Other citizens may be pressuring the government not to make changes.
- ✓ Senior civil servants may be advising the government not to make changes.
- ✓ Changes may be against the principles of the governing party and interests of its major supporters.

If you remain committed to change, you may want to try to force the government to do what it does not want to do. The primary way to force the government to make changes is to take the government to court.

Taking the Government to Court

Consider taking the government to court if you have legal advice that the law or program may violate some basic principle of fairness or justice recognized in Canadian law.

Charter challenges For example, a lawyer may advise you that the law or program violates one of the rights guaranteed to all Canadians by the *Charter of Rights and Freedoms*. Under the Canadian legal system, you or your group may be able to ask our courts of law to force the government to honour the basic principle or the *Charter* right.

Drawbacks Going to court is often an expensive, time consuming and frustrating way to change laws or government programs.

Court challenges are expensive because the group will have to hire a lawyer. These court cases can take a long time to prepare and to bring to court. Lawyers charge by the hour. If you lose the case, the court can order your group to pay the government's legal costs as well as your own. The government, on the other hand, has unlimited money to defend a challenge to its laws.

To reduce costs, you should consider seeking sympathetic lawyers to provide their legal services for free or at a reduced price. In addition, the federal government has a pool of money for *Charter* challenges called the *Court Challenges Program*. This

program provides funding to citizens for legal challenges to laws and government programs using the *Charter of Rights and Freedoms*. To find out more about this program, contact the federal government.

Going to court takes a lot of time and is frustrating for three reasons. First, the courts in Canada are full, and court dates are often set a year or more in advance. Second, you can expect government lawyers to use various legal strategies to delay the case and drain your resources. Finally, even if the group wins at a lower court level, the government will likely appeal the decision to a higher court.

In short, think very carefully about your resources and about the likelihood of winning a court case before deciding to take the government to court.

Making a Difference

Every citizen finds his or her own unique way to contribute to democratic life in our society.

The B.C. Civil Liberties Association (BCCLA) and Police Accountability

Police accountability is an important feature in a democracy like Canada.

The police have authority to use force when they detain, arrest and search people. When someone dies or is seriously injured when in the custody of police, the need for police accountability is even greater.

The BCCLA believes that when someone dies in police custody or is seriously injured by police there must be an investigation by an independent person who is not a police officer. Currently, police investigate police in these cases. The BCCLA is concerned that the police will “go easy” on police officers involved in a death or serious injury even if they have made a

mistake or acted unprofessionally. We also believe that the public will not have confidence in police investigations because they will not be seen as fair and independent.

The BCCLA works to change the system for police accountability in death or serious injury cases by:

- ☑ Writing to and meeting with Ministers responsible for the police.
- ☑ Advocating for a review and audit of internal police investigations.
- ☑ Making submissions to and meeting with authorities who review systems for police accountability.

- ✓ Inviting the media and the public to meetings involving influential speakers (like the Ombudsman or people who have had a family member die or be seriously injured by police) who discuss their views of the need to change the system.
- ✓ Distributing press releases and writing articles in newspapers advocating to change the system.
- ✓ Advocating for and participating in judicial inquiries that examine the death of people in the custody of police like Ian Bush (a man who was shot in the back of the head by the RCMP in 2005), Frank Paul (an aboriginal man left in an alley by the Vancouver police in 1998) and Robert Dziekanski (a Polish man who died at Vancouver airport after the RCMP used a taser gun on him).
- ✓ Going to court to make sure police oversight agencies like the Commission for Public

Complaints Against the RCMP do their job.

- ✓ Encouraging the public to write/email/fax the Prime Minister, Premiers and Ministers responsible for the police to change the system.

The police have a significant influence in society. Politicians have resisted making changes to police accountability when there is death or serious injury. Sometimes it can take years to change the law. Advocacy groups must be persistent in their efforts. With time and a good cause, often positive change can be made.



Sylvia Fee, sister of Gerald Chenery, Murray Mollard, Linda Bush, mother of Ian Bush and Dolores Young, mother of Kevin St. Arnaud at the BCCLA Death In-Custody Forum in 2007.

Ethical Purchasing Policies

Many products that used to be made in Canada, the United States and Europe are now made in countries that have much lower pay and poorer working conditions. In recent years, many groups in Canada have become concerned about these lower labour and environmental standards and the effect they have on people. They believe that the products we buy and use in Canada should not contribute to poverty, human rights violations and environmental damage in other countries.

To address these concerns, a broad coalition of groups formed to persuade governments, universities and colleges to adopt ethical purchasing policies that would promote buying products that reflect fair labour and good environmental standards. This coalition included groups like the Maquilla (Spanish word for free trade zone) Action Network, the Canadian

Labour Congress, Oxfam, student organizations, religious groups, and businesses like VanCity Credit Union and Mountain Equipment Co-op. The coalition, called the B.C. Ethical Purchasing Group, met with politicians, held public meetings and produced educational literature on the benefits of ethical purchasing.

In Vancouver, their efforts to promote these policies were initially unsuccessful. Even Vancouver city council led by COPE, a political party usually more sympathetic to these concerns, seemed uninterested.

In the middle of this campaign for change, Vancouver firefighters discovered that their new winter coats came with a label that clearly stated that they were “Made in Burma”. Burma is a country that has been ruled by a military dictatorship for many years. There is no political freedom

and wide abuse of human rights by the government that has brutally suppressed civilian protests by killing and imprisoning thousands of citizens. The governments of many western nations, including Canada, will not trade with or purchase products from Burma.

Upon learning of the Burmese-made coats, the coalition immediately held a press conference that was widely covered by the media. There was so much public attention and outcry that Vancouver city council agreed to set up an ethical purchasing task force that included a broad range of interests including businesses to report and make recommendations to the city.

The task force recommended adoption of the International Labour Organization's eight core Conventions and as a result, the city's Ethical Purchasing Policy and Supplier Code of Conduct were born.

They quickly became a model that other cities in Canada used for their own policies. As it turned out, the adoption of this policy actually saved the city of Vancouver money.

When a new civic government led by the NPA was elected—a party more associated with business interests—city council announced that they would make the policy voluntary rather than mandatory. Members of the coalition joined forces again to pressure city council to keep the policy mandatory.

Just before a city council meeting to discuss the proposed change (many groups and individuals had signed up to speak against the change), city council announced that they would maintain the mandatory policy.

This example provides a good illustration of the effectiveness of advocacy by a coalition of groups. It also shows how it is important to be persistent and how a well-timed press conference can make a difference in changing government policy.

i To view the City of Vancouver's policy, visit http://vancouver.ca/policy_pdf/AF01401P1.pdf

Working for Environmental Protection

Anyone who has taken the ferry to Victoria, B.C. will be familiar with a small body of water known as Tsehum Inlet, just south of the ferry terminal at Swartz Bay on Vancouver Island. It is a place of great natural beauty. It is also important habitat for many eagles, falcons, herons and over 30 species of migratory seabirds and shorebirds.

To protect this habitat, Canada created the Shoal Harbour Sanctuary in 1931 as part of the Migratory Birds Convention, an international agreement to protect birds that migrate across the border between Canada and the United States.

Tsehum Inlet is also a marina for parking boats. A development company planned to add 75 new spaces for boats by digging out the bottom of the lagoon.

This development would have significantly damaged the sensitive environment for the birds protected in the sanctuary. Ignoring the advice of their own Environmental Advisory Commission, the local city council approved the plan.

Local citizens opposed to the marina expansion plan decided to take action to prevent the development. Writing an article in the local newspaper about their concerns, they attracted a large crowd to International Migratory Bird Day at the Inlet.

This event included a tour of the area by celebrated wildlife artist Robert Bateman. The public also gained the support of the Environmental Law Center at the University of Victoria, a public interest organization that assists citizens, community groups and organizations to protect the environment.

At the next city council meeting to approve rezoning of the area for the marina expansion, many citizens attended to voice their disapproval of the plan. A student from the Environmental Law Centre also attended and made a presentation to city council to explain how the plan had not followed the law by obtaining a necessary permit from the provincial government.

As a result of these efforts, city council decided not to approve rezoning the property. The habitat for the bird population was saved.

This example demonstrates how important public awareness about a problem can be to persuading public officials. Through the media, public events, attendance at government meetings and the assistance of an advocacy group, the community was able to make a difference and protect the environment.

Encouraging Participation: Introducing New Canadians to Our Political System

Some new Canadians will not vote in federal, provincial or local government elections. Why not?

Many new Canadians do not understand Canada's political system.

- ☑ They may not know how our system works.
- ☑ They are not familiar with our political parties and what they represent.
- ☑ They don't know the candidates in an election or what they stand for.
- ☑ Perhaps they are still learning English and so find it difficult to get information about our political system.
- ☑ Some people might want to vote but decide not to because they cannot make an informed choice about who to vote for.

- ☑ Finally, some new Canadians come from countries that are not democracies. They may have a great distrust of governments. They may not understand that governments should serve the citizens, not themselves.

When you consider all these obstacles, you can understand why some new Canadians may not vote.

Yet voting is a very important right and responsibility in democracy. Some groups work to encourage new Canadians to vote. For example, an immigrant support group may organize an all-candidates meeting for people who speak Spanish.

The group should advertise the date and location of the meeting in community newspapers and publications that are printed in Spanish.



They should post notices of the meetings at various important locations for the Latin American community. Most importantly, at the meeting itself, they should translate the responses and discussion of the candidates.

These kinds of meetings can be very successful. Many Canadians who speak another language have the opportunity to attend and learn about politics and elections. These citizens may then share this information with their family, friends and co-workers.

Meetings like these make it possible for more people in the non-English speaking community to vote with confidence in elections. There's a good chance they will continue to vote in future elections.



Chapter 6

Dealing with Government Agencies

As a citizen of Canada you will come into contact with various government agencies. These agencies are created to serve the citizens of Canada. You should not hesitate to use them to help you.

You will be able to use an agency's resources and assistance more effectively if you know how it works. You can learn this through personal experience or by doing some research to discover more about the agency. For example, you can research the agency by reading about it or by speaking with its staff.

This chapter introduces you to three government agencies that citizens might encounter:

- ✓ **Employment Standards Branch**
- ✓ **Residential Tenancy Office**
- ✓ **Victim Services**

Occasionally, you may find that the staff of a government agency treats you unfairly. If this occurs, you should not hesitate to express your concerns to the staff.

Most government agencies have internal complaint procedures that deal with citizen concerns. This *Handbook* discusses two examples of agencies that have complaint procedures: the police and the Insurance Corporation of B.C. (ICBC).



Making Government Agencies Work for You

Our government agencies provide important services to Canada's citizens.

Canada has a tradition of strong social programs to assist people who need help. This may include financial, medical, or counseling assistance. The following examples describe some commonly used government services and agencies you can call for help.

Disputes with Employers

Most Canadians work for a company or organization.

Union members A union is a formal association of employees at a workplace, which has the legal right to negotiate working conditions for employees in the association. If you are a member of a union and are having difficulties with your employer, you can contact your union representative for assistance.

Non-union workers Many of us are not members of a union. All provinces in Canada have legislation that sets standard working conditions for employees who are not part of a union.

These laws set standards for:


- ☒ minimum wages
- ☒ vacation allowance
- ☒ overtime payments
- ☒ maternal leave benefits (which women can receive before and after having a baby).

These laws may even set standards for working conditions in particular industries such as farmwork, domestic work or in the garment industry.

You may find that you are not being treated fairly by your employer according to the law. Most provinces have agencies to provide education and assistance regarding employment standards laws.

In British Columbia, staff of the ***Employment Standards Branch*** counsel employees and employers about their rights and responsibilities under the law.

Employment Standards administers a process for resolving employer/employee conflicts. According to the law, you also have a right to a formal meeting at which you can give evidence for your claim against your employer. An independent decision maker hears the case and decides on the remedy—for example, ordering the employer to pay earned wages to an employee.

 www.labour.gov.bc.ca/esb/

Check the blue pages in your phone book to contact this agency.

Landlord and Tenant Disputes

In Canada, our home is very sacred to us, whether we own or rent it. Our society recognizes that tenants (people who rent their homes), like landlords, (people who own property and rent it to others) have important rights.

From time to time, a tenant may have a dispute with the landlord over issues like rent increases, inadequate repairs or maintenance or the repayment of the damage deposit. Likewise, a landlord may feel that a tenant is damaging the house or apartment. Sometimes these disputes become so serious that the landlord may try to *evict* the tenant (force the tenant to move out).

Most provinces have established government agencies to help tenants and landlords settle their disputes in a peaceful way.

In British Columbia, the ***Residential Tenancy Branch*** helps to educate tenants and landlords about their rights and responsibilities under the law.

This office also organizes *arbitrations*. An arbitration is a formal meeting in which the tenant and the landlord present evidence to an independent decision maker who decides the rights and responsibilities of each party in a dispute.

 www.rto.gov.bc.ca

If you are part of a landlord/tenant dispute, contact this government agency for assistance. You can find their phone number in the blue pages of your phone book.

Helping Victims of Crime

Canadians are proud that we live in a safe society in which crime is the exception rather than the rule. However, you, someone in your family or a friend may one day be the victim of a crime.

Most provinces in Canada have *victim services* programs to help individuals deal with the trauma of being a victim of crime.

In British Columbia, the *Victims of Crime Act* creates various rights and entitlements to services for people who are the victims of crime.

You can find out more about these programs by calling the VictimLINK (1-800-563-0808). There are specialized programs for victims of sexual assault.

 www.vcn.bc.ca/isv/victims.htm

Many victim services programs are located in local police stations to offer a broad range of support and information. These services are coordinated and administered by the Victim Services division of the Ministry of Public Safety and Solicitor General.

British Columbia has also created the *Criminal Injury Compensation Act* to help victims of crime and their families. The *Act* provides financial compensation for personal injury and loss of income in particular cases. These are just three of many government agencies that service citizens.

To find out more about criminal injury compensation in B.C., contact your local WorkSafeBC office. The office is listed in the white pages of your phone book.

Other agencies, like the B.C. Human Rights Tribunal, help citizens protect their rights. See Chapter 4 for a discussion of human rights laws.

Do not hesitate to use these agencies. To find out more about any particular government agency, visit your local public library or contact the agency directly.

Challenging a Government Agency's Decision

At some point you may feel that you are being treated unfairly by a government agency. Perhaps an agency is not giving you a benefit that you think you are entitled to, (such as unemployment benefits). Perhaps an agency has demanded that you provide information or payment to the government (such as an income tax payment) which you think is unjust.

Normally you will have a right to *appeal* the agency's decision. An appeal is a request for someone else to reconsider the original decision. You can find out directly from the agency whether you have a right or option to appeal a decision.

Sometimes you may believe that you are being treated unfairly because the conduct of a government employee was rude and disrespectful.

Many government agencies have a complaint system for responding to citizens' concerns about unfair treatment. You should also know that some non-governmental agencies and industries have complaint systems for their clients and customers.

Complaint systems exist for:

- ☒ any decision, action or policy of a provincial government agency (contact the Ombudsman)
- ☒ discriminatory actions by almost anyone (contact the Canadian or B.C. Human Rights Tribunal)
- ☒ the actions of police officers (contact the office of the Police Complaint Commissioner or the Commissioner for Public Complaints Against the RCMP)

- ✓ the behaviour of members of professions such as doctors, lawyers, psychologists or accountants (contact the professional organization that regulates its members: e.g. the Law Society or the College of Physicians and Surgeons)
- ✓ the contents of newspaper items, including opinion columns and advertisements (contact the B.C. Press Council)
- ✓ the contents of radio and TV broadcasts (contact the Canadian Radio and Television Commission)

If you believe that someone in a position of authority has treated you unfairly, you may wish to bring their behaviour to the attention of the proper officials.

Your first step is to find out whether there is a complaints system. Call or write to the relevant government agency, the office of your MP or MLA, or the B.C. Civil Liberties Association.

If there is no formal complaint system, it is usually best to bring your concerns to the attention of the supervisor of the government employee you wish to complain about.

It is not usually necessary to hire a lawyer to use a complaints process. Even if you can afford legal advice, this will not necessarily help you. In fact, it might even make the process more difficult. Government officials who might have responded to you personally in a sensitive and helpful manner sometimes become defensive and less co-operative when dealing with a lawyer. However, if the complaint is very serious, a lawyer is trained to protect your rights and may provide invaluable assistance to you.

Time limits Find out whether there is a time limit for making your complaint or appeal, and make it within that time. Most complaints or appeals should be submitted by letter. You should supply three sorts of information:

- ☑ a general description of the issue or specific incident you wish to complain about
- ☑ a description of the specific actions you wish to have investigated
- ☑ a description of the kind of response that would satisfy you; for example, you might want the public official to be disciplined, or just to apologize to you. In some cases you might also want financial compensation.

You may be very angry or upset because of the incident. Even so, a firm but polite letter will usually get the most positive response.

Interviews You may be asked to attend an interview, or to give a further statement. If you are nervous about doing so, ask if you can bring along a support person to assist you.

You may also wish to contact a citizens group for help. Many groups are familiar with complaint systems. They can advise you about what to expect. Someone from this organization may be able to go to the interview with you to explain the process and to try to make sure you are treated fairly.

In British Columbia there are many organizations that work with Canadians with particular backgrounds. For information about community organizations that may be able to assist you, contact your local library to find a copy of the local community services directory such as the *Red Book* in Greater Vancouver.

Reviews and appeals Like most democratic institutions, complaint systems are not perfect. You may not get the response you want, and even if you do, it may take a long time. If your complaint is not successful, there is usually a second step for reviewing the original response. If you decide to ask for a review or appeal, it is usually to your advantage to have the advice and assistance of someone who understands the review process. You may even wish to have a lawyer represent you.

If there is no formal review process, and you wish to pursue your complaint further, you will have to approach a senior government official directly.

Protections from retaliation

A final word: you should *never* be afraid to use a complaint process for fear of retaliation. It is highly unlikely that this will occur.

If, for any reason, you think that officials of the agency are harassing you or trying to punish you for making a complaint, you can take action. Immediately contact your local MP or MLA's office, or the B.C. Civil Liberties Association. Canadians do not tolerate this behaviour by government officials.

Government Complaint Systems

Complaints Against the Police

Our police have a responsibility to serve and protect Canadian citizens. Their role is to enforce the law and to help citizens, not to harm them. For immigrants to Canada, this may be very different from how police behave in their former countries.

Canadians have given the police extraordinary powers, such as the right to possess and use guns, to arrest people and to use reasonable physical force when necessary.

The police have a very difficult and demanding job. They deserve our respect and support.

However, sometimes we may have concerns about the conduct of police. Like elected representatives, the police are accountable to citizens. To make the police responsible to citizens, our democracy has created complaint systems so the public can express concerns about police conduct.

Complaining about police

conduct If you believe that you have been mistreated by the police, you can make a complaint. For example, in British Columbia, to complain about a municipal police officer, you can make a written complaint to the Chief Constable of a police department or the Office of the Police Complaint Commissioner of B.C. To complain about an RCMP officer, write to the Commanding Officer of the Detachment or the Commission for Public Complaints Against the RCMP. In your letter, state that you wish to make a complaint under the *Police Act*

(for municipal police) or the *RCMP Act* (for RCMP officers).

Writing a letter of complaint In your letter, state that you wish to make a complaint under the *Police Act* (for municipal police) or *RCMP Act* (for RCMP officers). You should also include the following information:

- ☒ the time and location of the incident
- ☒ a description of what happened including a list of injuries you may have
- ☒ the name(s) and/or badge numbers of the police officer(s) involved, or a description of them if you do not have this information
- ☒ your name, address and telephone number and those of any witnesses
- ☒ what you want done to remedy the situation

For example, you may want an explanation for the conduct, an apology or the police officer to be disciplined.

Investigation of complaints When your complaint is received, it will likely be investigated by the internal investigation section of the police department or by a senior member of the police force. You may be asked to supply further information, or attend an interview. It will generally take several months before you receive a written response to your complaint. If you are not satisfied with the police response, ask for a review of the decision.

The police complaint system is designed to correct police behaviour. It is not designed to give you financial compensation for your injuries or other harm you have suffered. You can speak to a lawyer to discuss your other legal options.

The B.C. Civil Liberties

Association continues to work to improve the police complaint system. For example, the BCCLA believes that an independent civilian agency should investigate all deaths of people who die while in the custody of the police, instead of police investigating themselves. For more information on the police complaint process in B.C., contact the:

- i** Office of the B.C. Police Complaint Commissioner
(for municipal police)
www.opcc.bc.ca
- i** Commission for Public Complaints Against the RCMP (for RCMP)
www.cpc-cpp.gc.ca
- i** B.C. Civil Liberties Association
(for any police force)
www.bccla.org

Complaints Against ICBC

Canadians are attempting to reduce our reliance on the automobile to reduce air pollution. However, many people

need to use their cars in their daily lives. The Insurance Corporation of B.C. (ICBC) is the primary agency that provides insurance for cars and trucks. You must purchase this insurance before you can drive.

ICBC is a *quasi-governmental* agency. This means that, although ICBC was created by the government of British Columbia and it receives public funding, it has a lot of independence to administer insurance programs.

Complaints If you have concerns about the decision or conduct of ICBC staff, you can express your concerns in a number of ways. For example, you may be dissatisfied with the decision of the claims adjuster. The claims adjuster is the staff person who decides how much compensation you will receive after a car accident. You can speak to the Claims Manager about your concerns.

If you continue to be dissatisfied, there is a process that you can use to appeal

their decisions. Contact ICBC's Privacy and Fair Practices Department. Their phone number will be in the local white pages of your phone book.

i www.icbc.com/inside_icbc/dispute/how_to.asp

Where there is no complaint procedure

In Canada, you can come into contact with hundreds of government agencies. Some agencies, like the police and ICBC, have well defined procedures to deal with citizen concerns. However, many do not.

Where there is no clear procedure, it is often up to you to express your concerns and to continue to pressure the agency if you do not receive satisfaction from staff at the lower levels. It is usually best to start with the supervisor of the person you wish to complain about.

If you do not get satisfaction, go to the next level in the organization to express your concerns. Continue to work your way up through the organization until you have gone “right to the top.”

Office of the Ombudsman

In addition to internal complaint procedures within particular government agencies, many provinces have independent agencies specifically designed to assist citizens who feel that they have been treated unfairly by government.

In British Columbia, the Office of the Ombudsman (1.800.567.3247) responds to complaints from citizens about allegations of unfair treatment by any provincial government agency.

The Ombudsman can review the conduct of every provincial government agency and some non-governmental agencies. These agencies include:

- ☒ universities and colleges
- ☒ local government agencies and
- ☒ professional associations that regulate lawyers, doctors, psychologists and others.

The Ombudsman and her staff receive complaints, investigate them and, if appropriate, make recommendations to the government agency. The Ombudsman takes your complaint only if you have already complained directly to the government agency and you have not been satisfied with the response.

i For more information, contact the Ombudsman's Office
www.ombudsman.bc.ca

Stand Up For Your Rights

When dealing with government agencies, you can expect that their staff will be helpful and respectful to you. After all, they are designed to serve you, the citizen. However, when they are not, do not hesitate to raise your concerns either formally through a complaint system or informally by contacting the employee's supervisor.

By raising your concerns, you are making government officials accountable. That is valuable, not only for your own benefit, but for all citizens in our democratic society.



Chapter 7

Conclusion

As a Canadian, you acquire the benefits and responsibilities of citizenship. You have many rights that exist because of Canadians' commitment to values such as equality, freedom of expression and a respect for other cultures and ways of living. These values are now part of your commitment to our democratic society.

As a citizen, you also have new responsibilities to participate in democratic life. There are many ways to live the good democratic life. Of course, you should vote. But, your day-to-day efforts to influence government decision making and programs that concern you are just as important.

This *Handbook*, has introduced you to:

- ✓ how our system of government works
- ✓ how our laws protect citizens
- ✓ your rights and freedoms
- ✓ a few ways in which you can ensure that your voice is heard, and that your rights are respected

It is not possible to detail all the issues regarding citizenship in our democracy in the *Handbook*. But we hope that it provides you with a basic understanding of Canada's democracy and the importance of your participation in democratic life. We also encourage you to contact a local citizens group, like the B.C. Civil Liberties Association, a government agency or your local librarian if you need more information about citizenship or some other specific issue.

***Canada needs the
commitment, effort
and enthusiasm of all
citizens to make our
society even more
free and democratic.***

Canadians invite you to join all of us together in contributing to Canada's reputation as one of the most desirable places to live in the world.



New citizens of Canada

Free Legal Services in British Columbia

There are many ways to get free or affordable legal assistance. Not all agencies on this list might be relevant to your particular legal issues. Furthermore, this is not an exhaustive list, and many community agencies have advocacy programs that may be able to assist with legal matters. Given the time constraints of each service, it is best to be as prepared as possible before making contact.

LawLINE (Legal Services Society)

LawLINE is a free service that provides answers to very quick legal questions or more substantive legal advice in certain circumstances. Wait times can be lengthy.

- i** www.lss.bc.ca/general/lawline.asp
Metro Vancouver
Tel: 604.408.2172
Outside Metro Vancouver
Tel: 1.866.577.2525
(press 1 for English, 7 for Law Line)

Legal Aid

Legal Aid provides subsidized legal services, ranging from legal

information and advice to legal representation, in the areas of criminal, family and immigration law. Legal aid is limited to criminal charges, mental health or prison issues, serious family problems or serious immigration problems. Applicants must meet financial guidelines to be eligible.

- i** www.lss.bc.ca/legal_aid/
Metro Vancouver
Tel: 604.408.2172
Outside Metro Vancouver
Tel: 1.866.577.2525

Lawyer Referral Service

Lawyer Referral facilitates a 30-minute consultation with a lawyer for \$25 plus taxes. Inform the lawyer you have gone through Lawyer Referral, keep track of the time and determine the hourly rate should you extend the consultation.

- i** www.cba.org/BC/Initiatives/main/lawyer_referral.aspx
Metro Vancouver
Tel: 604.687.3221
Outside Metro Vancouver
Tel: 1.800.663.1919

Western Canada Society to Access Justice

Access Justice can provide legal advice and assist in the preparation of legal cases. Access Justice operates *pro bono* law clinics at 39 locations throughout Metro Vancouver. Certain locations specialize in different aspects of law.

- i** www.accessjustice.ca
Metro Vancouver
Tel: 604.878.7400
Outside Metro Vancouver
Tel: 1.877.762.6664

Community Legal Assistance Society

CLAS provides legal assistance to those with low income or physical or mental disabilities. CLAS also provides legal assistance through the UBC Law Students Legal Advice Program.

- i** www2.povnet.org/about_clas
Tel: 604.685.3425

University of BC Law Students' Legal Advice Program

UBC law students provide free legal advice and representation on specific areas of law to people who cannot afford a lawyer at clinics located throughout Metro Vancouver.

LSLAP publishes a comprehensive legal advice manual on its website.

- i** www.lslap.bc.ca/
Metro Vancouver
Tel: 604.822.5791
Outside Metro Vancouver
Tel: 1.888.685.6222

University of Victoria Law Centre

The Law Centre provides advice, assistance and representation to clients who cannot afford a lawyer.

- i** www.thelawcentre.ca/services.html
Tel: 250.385.1221


Salvation Army Pro Bono Program

The Salvation Army provides *pro bono* services to those that are ineligible for legal aid and cannot afford a lawyer. To access services, contact the nearest Salvation Army office.

- i** www.probono.ca/
Tel: 604.694.6647


Pro Bono Law of B.C.

PBLBC maintains a roster of lawyers interested in *pro bono* casework. Referrals are done through the Salvation Army Pro Bono Program, Access Justice, LawLINE, the UBC Law Students' Legal Advice Program, the UVic Law Centre, private lawyers and advocates. Contact PBLBC or the organizations listed above for referral requirements.

 <http://probononet.bc.ca/public.php>
Tel: 604.893.8932


B.C. Human Rights Coalition

The BCHR Coalition assists people with human rights complaints before the Human Rights Tribunal.

 www.bchrcoalition.org/
Tel: 604.689.8474
Toll free: 1.877.689.8474

B.C. Human Rights Tribunal

The BCHRT is an independent, quasi-judicial body that deals with human rights complaints that arise in British Columbia and are covered by the B.C. Human Rights Code. Resolution can be done through mediation or in a hearing.

 www.bchrt.bc.ca
Tel: 604.775.2000 or
Toll free in British Columbia:
1.888.440.8844