



LORNE A. WHITEHEAD, *Vice President Academic & Provost*

UBC aspires to be among the world's best universities, a place where students are prepared to become exceptional global citizens and the values of a civil and sustainable society are promoted. To achieve that vision, UBC must be a welcoming place for the diverse communities that make up the society in which we live, an inclusive campus where all are treated with respect and have their voices heard.

Equity plays a vital role in our mission. It is important, therefore, that equity-related issues be discussed and debated throughout the campus community. I welcome the contribution that this new newsletter can make to that discourse and hope that it will be a small part of a much larger dialogue on this important subject.

Equity: Who Cares?

TOM W. PATCH,
Associate Vice President, Equity

The masthead for this new publication declares that Equity Matters. But does it? At a recent Equity Office presentation to a class of undergraduates, one student wondered aloud why they were learning about something so "yesterday." So, does equity matter, or is it yesterday's vision?

It's more than 20 years since Judge Rosalie Abella (now Justice of the Supreme Court of Canada) coined the term "employment equity". Judge Abella observed that women, visible minorities, aboriginal people and people with disabilities had been historically disadvantaged, particularly in employment. As a result of barriers embedded in the policies, practices and procedures of organizations, that disadvantage continued even when organizations ceased intending to discriminate. The term "employment equity" described both a goal for organizations and a model to achieve that goal by identifying and removing discriminatory barriers. Since then, the concept has been expanded to include other types of equity, including educational equity, and other disadvantaged groups, including LGBTQTTI communities.

The idea of declaring equity as an organizational goal resonated for many who sought a more equitable society, one in which access to opportunities was not denied because of irrelevant personal characteristics. Many organizations – including UBC – adopted employment equity policies and implemented employment equity plans to advance that goal.

But that was yesterday. Times have

changed. Perhaps the concept of equity is a vestige of the late 20th century that has outlived its usefulness, either because, as a goal, some feel it has been largely achieved or because, as a model for change, it creates inefficiencies that cannot be sustained in the competitive economy of the 21st century.

Some things have changed. Look around UBC and the diversity is evident. On the Vancouver campus, women represent more than 50% of the faculty and staff at UBC; visible minorities comprise 29%.

But there is still work to be done. Not all faculties have succeeded in recruiting and retaining women and visible minorities, and both groups continue to be under-represented at senior levels in the University. Moreover, aboriginal people and people with disabilities have not shown a marked increase in representation on campus; in fact, their representation has declined over the last five years. UBC can and should do better. There is an ongoing need to identify and remove discriminatory barriers.

The concept of equity has also changed. Initially, the goal of equity was to ameliorate conditions for certain disadvantaged groups. And that remains an important objective. However, organizations that embraced equity have discovered that the benefits do not only flow one way. The increased diversity that results from a focus on equity can enrich an organization. The voices that are brought to the organization don't merely increase the range of perspectives to draw on; they generate innovation. But to be effective, equity and diversity must be about more than representation. The diverse voices need to be integrated into the organization. Equity requires participation and inclusion,

The voices that are brought to the organization don't merely increase the range of perspectives to draw on; they generate innovation.



which means taking a fresh look at goals and strategies for achieving equity.

Equity has a particularly important role to play in UBC's mission. As an institution we thrive on the open expression and exploration of differing perspectives. We advance our academic mission by bringing diverse voices to that discourse in a meaningful way. Moreover, our graduates will go on to participate in the global economy, many of them as leaders. We fail them if we don't provide them with the ability to interact with, learn from and value the diversity to which they will be exposed.

So the name of this newsletter is a simple declaration of what we at the Equity Office believe: that Equity Matters. We know this is a view shared by many on campus. One of the goals of this newsletter is to introduce the community to some of the people committed to advancing an equitable, diverse and inclusive campus. The name also describes the content of this newsletter. We hope to provide information on a variety of equity-related issues and to advertise equity-related events on campus.

Please let us know what you think about this newsletter. We welcome your input.

Interview with Handel Wright

MARGARET SARKISSIAN,
Senior Equity Advisor

The following is a brief profile of education faculty member, Handel Wright, which touches on his academic and activist work, especially in relation to issues of equity and social justice.

The UBC Faculty of Education has recently been successful in recruiting Dr. Handel Wright, an expert in cultural studies, whose research interests include a comparison of Canadian and U.S. forms of multiculturalism. Dr. Wright is originally from Sierra Leone where he did his undergraduate studies (a B.A. Honours in English). He first came to Canada on a Commonwealth Scholarship to pursue an M.A. in English at the University of Windsor. After his M.A. Dr. Wright returned to Sierra Leone and worked as editor for publications at the Centre for Research into the Education of Secondary Teachers. Dr. Wright later returned to Canada and earned an M.Ed. at Queen's University and a Ph.D. in Education at the Ontario Institute for Studies in Education, University of Toronto.

Dr. Wright has always been involved in activism, equity and social justice issues and he sees what he does as “praxis” work (which he describes as a conception of the inextricable combination of theory, practice, research and activism). He spoke of the ways in which these facets came together at various points in his education and his career. As an undergraduate, he and other students held demonstrations protesting government corruption in his native Sierra Leone. At the University of Windsor he was an active member of the group Students Against Apartheid, which pressured the institution to divest investments from the then apartheid regime in South Africa. The Ontario Institute for Studies in Education was an advanced intellectual and social justice training ground for Wright. It was there that he was introduced to the discourses that have guided his praxis work, principally critical pedagogy, anti-racism and cultural studies.

In conversation, Dr. Wright provided the following brief descriptions of these three discourses. Critical pedagogy comes out of several different strands of thought, including the work of Paulo Freire's neo-Marxist work that stressed education for social justice, especially in terms of social class. Drawing on Freirean pedagogy and other foundational work, critical pedagogy addresses social difference,

Canada and the US both have a very dominant liberal discourse on multiculturalism, the celebratory version of multiculturalism (as in the “samosa, steel band and sari” approach) ... unfortunately, this liberal discourse does not address directly the issue of power differentials between different groups in society.



discrimination and social justice. It examines how education generally, and pedagogy especially, can address discrimination based on race, class, and gender especially and contribute to a more just and equitable society. Anti-racist work in a multicultural context was first developed in Britain by activists and academics who hold that official, dominant multiculturalism and multicultural education are rather celebratory and do not address the pivotal issue of racism. Canadian anti-racism drew on the British development and is based on the same premises and undertaken by activists and academics with similar outlooks. Criticized in turn for only focusing on race and racism, the discourse of anti-racism has evolved in Canada to include such forms as “inclusive anti-racism” which, while keeping a focus on race and racism also addresses other forms of social and cultural difference (social class, gender, sexual orientation and disability) and forms of discrimination based on sociocultural difference. Cultural Studies is interdisciplinary, multidisciplinary, anti-disciplinary and postdisciplinary work that examines sociocultural issues (including popular culture and social difference) with a view to understanding culture and working for

social justice. While traditional disciplines tend to limit one to addressing specific areas of concern using preferred methodologies, cultural studies instead starts from the issue or “problematic” one wishes to investigate, allowing one to turn to the disciplines, to ask “which disciplines and which methodology is the best vehicle for investigating this question?” While cultural studies was first established at the Centre for Contemporary Culture and Society at the University of Birmingham, England in the 1960s as a discourse mainly concerned with social class issues, it has expanded to include all major forms of social difference (race, class, gender, sexual orientation, and (dis)ability) and spread all over the world. It has become, in Tony Bennett's words, “a reluctant discipline,” which nevertheless, when done well still constitutes what Stuart Hall described as “politics by other means.”

Dr. Wright was hired by the University of Tennessee to contribute to the establishment of the Cultural Studies Unit (which involved programs in sociocultural foundations of education and sport) and to teach in the Urban Multicultural Teacher Education program. This was a fertile time in which he was involved in very practical social justice work done through the preparation of teachers to teach in inner city schools and with a mostly black, working class population; in teaching graduate courses in cultural studies that involved a service learning and activist component, and in working with the University of Tennessee's Equity Office as an Faculty Equity Associate. Additionally, he got involved in the work of the Highlander Research and Education Center (<http://highlandercenter.org/>), eventually rising to become a member of the working Board of Directors. He was at the U. of Tennessee for a total of ten years, which included a three year appointment as Coordinator of the Urban Multicultural Teacher Education Program, before being recruited by UBC in 2005.

Dr. Wright was hired by UBC to fill the Canada Research Chair in Cultural Studies. This appointment was followed by his 2006 appointment as the David Lam Chair of Multicultural Education. Both roles inform each other and through these overlapping appointments, Dr. Wright is establishing and serving as Director of the Centre for Culture, Identity and Education (CCIE), which focuses on critical multiculturalism, anti-racism, and cultural studies as approaches to addressing issues

of identity, sociocultural difference and social justice in and through education. His major project is a comparison of Canadian and American forms of multiculturalism and multicultural education generally and their efficacy for addressing what he calls “new youth” identities (the identities of multiracial, recent immigrant, and queer youth). The new Centre hosts national and international visiting scholars and organizes workshops, symposia and conferences and has a town-gown (university-community collaboration) component. UBC faculty and students can get involved as Faculty Associates and Student Associates. By the end of his terms as Canada Research Chair and David Lam Chair, Dr. Wright anticipates having collaborated on a body of work including publications, symposia and conferences that contribute to a better understanding of both local and international multiculturalism generally and cross-border multiculturalism in relation to marginalized groups in particular.

Dr. Wright commented that he came to work on multiculturalism “through the back door.” As an anti-racist educator in Canada he was familiar with multiculturalism but considered it a discourse he worked against. When he proposed to do a course on anti-racism at the U. of Tennessee, the College of Education thought the term

anti-racism was too radical, but was eager for him to teach multiculturalism. This made him take a second, close look at the literature and discourse of multiculturalism and to compare the Canadian and American forms. He noted that both Canada and the US have a very dominant liberal discourse of multiculturalism, the celebratory version of multiculturalism (the “dim-sum, steel band and sari” approach). Canada officially embraced this form of multiculturalism many years ago and while the US does not have official multiculturalism as policy, both countries utilize this form as the principal form of multicultural education. Unfortunately, liberal multiculturalism tends not to directly address or focus on power differentials between different groups in society. In Canada, people who wish to address issues of power and the difference that race and racism makes are involved in anti-racist work. In the US there is a struggle over the term multiculturalism and activists and academics are involved in developing critical, revolutionary and insurgent versions of multiculturalism.

The Equity Office, which has as part of its mandate the prevention and remedy of human rights violations on campus, asked Dr. Wright how his work and the work of the Equity Office might support and inform each other. Dr. Wright responded that in order to make progress in addressing and shifting power differentials between different ethnoracial and sociocultural groups, we need to include anti-racism to the approaches utilized. He identifies praxis as the means to explore these issues, and at UBC hopes to see anti-racism as one of the tools in the institutional equity toolbox. Dr. Wright was involved in equity work at the University of Tennessee and noted some initiatives there which might transfer well to UBC, including the strategy of recruiting ‘faculty associates’, faculty members with an interest in equity and social justice issues who would participate in Equity Office workshops and additional training, and bring their learnings back to their units and generally act as liaisons between their units and the Equity Office. Having a faculty member as an equity representative in every department would go a long way towards supporting an equity conscious campus. Dr. Wright also observed that many students are activists in various forms of social and environmental justice movements and groups and their expertise and enthusiasm are rather underutilized in the university environment. He feels many such students

would be enthusiastic about participating in the work of the Equity Office if invited.

The Equity Office would welcome that kind of community involvement: staff, faculty and students with interest and experience in social justice issues are invited to contact the Equity Office for more information on ways to support an equitable campus community.

“Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

ELEANOR ROOSEVELT
(1884–1962)

“Equality is a process of constant and flexible examination, of vigilant introspection, and of aggressive open mindedness... Equality is not a concept that produces the same results for everyone. It is a concept that seeks to identify and remove, barrier by barrier, discriminatory disadvantage.”

JUSTICE ROSALIE ABELLA,
address to Symposium on Equality Rights,
Toronto, Jan. 31 to Feb. 2, 2005

Accommodating Diversity

MAURA DA CRUZ, *Equity Advisor*

13 PROHIBITED GROUNDS OF DISCRIMINATION

Age	Physical or Mental Disability
Ancestry	
Colour	Place of Origin
Criminal conviction unrelated to employment	Political Belief
	Race
	Religion
Family Status	Sex
Marital Status	Sexual Orientation

When people think about discrimination, they usually think about something blatant as in “We do not hire single parents in this organization.” However, discrimination can also be indirect. Indirect or adverse impact discrimination is a policy, rule, tradition or practice that applies to everyone equally but has a negative impact on those with certain human rights characteristics. For eg., holding project meetings over the lunch hour sounds like a harmless thing to do, however, it could result in an employee not being able to attend the meetings because of religious observances. Over time, this would impact on her ability to stay current on operational business decisions in the department, possibly resulting in a negative impact on her chances of advancement or promotion.

But what if the only time most people can meet is over the lunch hour? The question you would have to ask is can you justify this requirement as a legitimate condition of working on the project? In other words, is it a bona fide occupational requirement? If the answer is yes, then you are in a better position to justify your request for noon-hour meetings. However, if your policy is found to directly or indirectly discriminate against someone based on a human rights ground, you have an obligation to accommodate that person, and the courts say you have to do so up to the point of ‘undue hardship’.

While many of us tend to think of accommodation in terms of physical or mental disability, its scope also extends to other protected human rights grounds. As the work and study environment continues to include people of different genders, sexual orientations, marital status, family status, cultural and religious backgrounds, managers and supervisors must remain open and willing to accommodate people who are not in the majority.

BONA FIDE OCCUPATIONAL REQUIREMENT

In the 1999 Tawney Meiorin case, the Supreme Court of Canada made it clear that a discriminatory practice, policy, or standard had to pass a 3-step test to be considered a bona fide occupational requirement. In this instance, Tawney Meiorin, a female fire fighter for the BC Ministry of Forests, was fired from her job because she did not pass the fourth of a series of tests which required her to complete a 2.5 km run in 11 minutes. Meiorin took 49.4 seconds longer, even after four tries and was let go as a result. Her union got her job back in arbitration and this decision while overturned by a court of appeal was upheld by the Supreme Court of Canada. The Court stated that, to defend a discriminatory standard, an employer has to establish that the standard is a) related to the job; b) made in good faith; and c) reasonably necessary in the sense that it is impossible to accommodate individual employees in some way without an undue hardship.

WHAT IS UNDUE HARDSHIP?

Defining undue hardship is not as easy as it may appear at first blush. While the Supreme Court of Canada has provided some guidelines, it recognizes that its list is not exhaustive and so each situation is determined on a case by case basis. In determining hardship, the Supreme Court of Canada has said that the following factors may be considered:

- Financial cost
- Disruption of a collective agreement

As the work and study environment continues to include people of different genders, sexual orientations, marital status, family status, cultural and religious backgrounds, managers and supervisors must remain open and willing to accommodate people who are not in the majority.

- Problems of morale of other employees
- Interchangeability of workforce and facilities
- Size of the employer’s operation
- Safety and who bears the risk

The late Supreme Court Justice John Sopinka was very clear when he indicated that mere inconvenience to an employer or a few upset employees did not constitute undue hardship. In his words, undue hardship had to amount to “more than minor inconvenience...”; rather, there must be “actual interference with the rights of other employees, which is not trivial but substantial...”

There are examples of human rights decisions where the employer was able to prove undue hardship and so did not have to make accommodations even though the employer discriminated against the employee. One such case is that of Sidney MacEachern who worked as a stationary engineer in the boiler plant at St. Francis Xavier University in Antigonish, Nova Scotia before joining the World Wide Church of God. MacEachern’s religious observances of a strict observance of the Sabbath from sundown Friday to sundown Saturday along with eight holy days in the spring and fall, conflicted with his twelve-hour rotating shifts. In adjudicating the case, the arbitrator went through most of the Supreme Court’s factors such as cost, safety, morale, etc to determine if accommodation was possible. In the end, he concluded that accommodating MacEachern would mean absorbing another engineer’s salary causing undue hardship on the University, given its small size.

So practically speaking, managers need to review their standards, policies, procedures, work rules or practices to make sure that they do not violate an individual or group’s human rights. And, if they find that they do, look diligently and persistently for a solution.

WHAT IS THE EMPLOYEE’S RESPONSIBILITY SEEKING THE ACCOMMODATION?

Human Rights law is clear in that while affected employees do not have to come up with the solution to the situation, they must be able to accept a reasonable solution. If they do not, the manager has every right to deny the requested accommodation, keeping in mind that a solution does not have to be ‘perfect’ to be reasonable.

ACKNOWLEDGEMENT: *Managing Human Rights at Work* by Stephen Hammond.

Answering Nature's Call¹... How Accessible are Washrooms on the UBC Vancouver Campus?

ANNE-MARIE LONG, *Equity Advisor*

For many people on campus, the issue of finding a washroom to safely and easily access is not given much thought. Most buildings have washrooms designated as female or male and washrooms are fairly well dispersed across the campus. One may have to wait in line in a busy location or travel to another area of the building in a smaller building, but one can locate and access the washrooms without much difficulty. However, ease of access is not a reality for everyone on campus. Many washroom facilities may be physically accessible to people with disabilities, but some will not be. Furthermore, the vast majority of washrooms on campus are not at all accessible to parents of small children that may require diaper change facilities or people who are gender-variant – who don't identify as either male or female but somewhere else along the continuums of gender identity or expression; who cross socially-constructed gender boundaries in terms of identity, appearance or behavior not typically associated with their biologically-assigned sex and, as such, are read as not conforming to the gender of the labelled space. The lack of gender-inclusive washrooms on campus has been identified as a systemic barrier to full inclusion in campus life by several campus units and groups.

In the Spring of 2006, staff and students from the Equity Office, Access and Diversity, Land and Building Services, Pride UBC and a student in the MSW program began discussions about how to rectify this situation on campus. We envisioned a multi-phase approach, of which an audit of existing washroom facilities was one important first step. As other universities and similar institutions have done, we decided to first look at accommodating the washroom needs of people who are gender variant by designating some existing single stall facilities as gender-inclusive. At UBC Vancouver (Point Grey campus), it was believed that most of these single stall washrooms are also those that are designated for persons with disabilities. Thus we quickly expanded our parameters to include an audit of facilities accessible for people with disabilities and as family friendly for those with small children. (It was also noted that there is a lack of washroom facilities on campus that include diaper changing facilities and that gendered

facilities may prove to be a barrier for people who have attendants or children of a different gender identity than themselves.)

An audit of all the existing single stall washroom facilities on the Point Grey campus and a comprehensive report of their findings has recently been completed by Rowyn DeVito and Colin Taillefer. This audit focussed on issues of physical and psychological safety, signage, equipment and fixtures, location, traffic volume, proximity to other facilities and physical accessibility and focused on three main populations: people with disabilities, people who are gender-variant and people with young children. Of course, these three groups are not mutually exclusive. The findings of the audit showed that there were many areas of overlapping concerns for the three groups.

The audit, which focussed only on single-stall facilities at this stage, found that most of these washrooms are relatively accessible to people with disabilities but major work is needed to make them universally accessible. As the report says, "There are especially problems with ss [single stall] washrooms located away from the main core of the campus. There are a very small number of ss washrooms that are actually physically accessible, despite close to half of ss washrooms on campus being designated as wheelchair accessible by signage. In general, signage varies greatly across the campus, and the university only adopted guidelines for signage in April 2006. This could pose problems, especially for people with vision impairments, as many ss washrooms have signage lacking Braille, high-contrasting colour usage, or signage altogether."

For people who are gender-variant, the main concerns about washroom use centre around safety and accessibility. People who do not identify as either male or female, or who are not read (or don't "pass") as conforming to either of these two binary genders, often face harassment and intimidation when using gendered washroom facilities. Insults and violence are not uncommon. Instead of focussing on what a person is DOING that may be inappropriate



or threatening, the mere PRESENCE of someone who is gender-variant in a gendered facility can result in calls to security or police intervention. The fear of harassment and stress caused by having to choose between two gendered facilities, neither of which really fits, can make washrooms, especially gendered, multi-stall washrooms, feel unsafe or uncomfortable for people who are gender-variant. As the audit report says, "People who are gender-variant will often go to great lengths to gain access to washrooms that are more private or comfortable (McGill Equity Subcommittee on Queer People 2006, University of Chicago 2006, Luxen 2005, Kelly 2004)."

The audit confirmed that there is a distinct lack of family-friendly washroom facilities on UBC Vancouver campus. A family-friendly facility would include safe and clean diaper-changing facilities, space for parent(s) of any gender to accompany their children to the facilities and, vice versa, for children to safely accompany their parent(s). When the audit guidelines were created, it was with the expectation that few change facilities existed on campus so the audit examined whether or not there would be adequate additional space in each single stall washroom to add this equipment without compromising physical accessibility for people with disabilities. As the campus grows, more mature students with children are returning to university, University town is developed and UBC continues to have tourist destinations such as the Museum of Anthropology, UBC Botanical Gardens and the Chan Centre, the need for family-friendly facilities will continue to rise. The existence of family-friendly facilities will also attract potential students, staff and faculty with young children to UBC.

The audit found that existing single stall washrooms on UBC Vancouver Point Grey campus are generally accessible to persons with disabilities (particularly to those with mobility restrictions and, to a lesser extent, to those with visual impairments), but not to people who are gender-variant and/or who have young children. However, the committee also recognizes that making changes to existing single-stall facilities is only a first step and does not fully address the issue of universal accessibility or systemic inclusion. For example, the committee stressed that

simply changing all single stall facilities to become gender-inclusive will not adequately address inclusion of gender-variant people on campus as many of these facilities are also those designated as accessible to persons with disabilities. As some people with disabilities have conditions which necessitate their immediate access to washrooms, some gender variant people (who may not themselves also be people with disabilities) may not be comfortable using a space that is designated for those with disabilities for fear of using up a space which may urgently be needed by someone else.

Future stages of this project will include a symposium on universal gender-inclusive signage and auditing of multi-stall washrooms, showers and change room facilities to examine how these can best meet the needs of a multicultural, gender, age and ability diverse campus community. As the report states, “[i]n order to provide a truly universally accessible environment, universities and other institutions must realize that many potential students, faculty, and staff will look for a campus that proactively supports them in all areas of their life.”

Thanks to Colin Taillefer and Rowyn DeVito for their amazing work on this project. Also many thanks to the dedicated Accessible Washrooms Committee. For more information or to obtain a copy of the report or brochure outlining gender-inclusive washrooms on campus, please see the Equity Office or Access and Diversity. Both offices are located in Brock Hall.

¹ All quotations are from the report, *Answering Nature's Call: An accessibility audit of single-stall washroom facilities. The University of British Columbia – Point Grey campus*, by Rowyn DeVito and Colin Taillefer (July–August 2006).

Sikh Student's Religious Freedom Protected

LORI CHARVAT, *Equity Advisor*

Gurbaj Singh Multani is an orthodox Sikh. In 2001, Gurbaj was attending Ecole Sainte-Catherine-Laboure in Lasalle, Quebec, when the kirpan he had been wearing under his clothes dropped onto the school yard. (A kirpan is a metal dagger, which symbolizes truth and virtue in the Sikh faith.) Alarmed by what school officials first deemed to be a “weapon,” the school banned Gurbaj from wearing the kirpan. The Singh Multani family met with school administrators and explained the significance of the kirpan; and together they worked out an agreement whereby Gurbaj was given permission to wear the kirpan, provided it was securely fastened inside his clothing. This arrangement seemed to

would allow Gurbaj to fulfill his religious obligations while preserving the board's interest in maintaining school safety.

Gurbaj and his family found the board's suggestions to wear a pseudo kirpan as unacceptable, and filed a law suit under Quebec and federal human rights law requesting that reasonable accommodation be made to protect Gurbaj's freedom to express and practice his religious faith. The lower courts went back and forth, weighing the competing interests of the Multani family and the school board, until finally the case made its way to the Supreme Court of Canada, resulting in a 2006 decision (Multani v. Commission scolaire Marguerite-Bourgeoys, [2006] 1 S.C.R. 256).

At issue before the Supreme Court of Canada was whether the prohibition of wearing a kirpan infringed upon Gurbaj's freedom of religion under the federal or provincial charters of human rights. In examining this question, the Court looked at the right of religious expression in light of the school's stated interest of safety. Writing for the majority opinion, Justice Charron cited an earlier (1985) Supreme Court decision, *Big M Drug Mart*, in which the court articulated the essence of freedom of religion as “the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination.” The same court went further to explain the interest of religious freedom juxtaposed against community interests, writing that “[f]reedom means that subject to such limitations as are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others, no one is to be forced to act in a way contrary to his beliefs or conscience.”

Looking to another case, *Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551, Justice Charron noted that in order for a claimant to demonstrate that his or her freedom of religion had been compromised, the individual must firstly show that she or he sincerely believes in a specific practice, e.g., wearing a kirpan, that is intrinsically connected to one's religion; and secondly, that the infringing action of a third party, e.g., the school board's prohibition of wearing the kirpan, interferes with the claimant's religious practice in a “non-trivial” way. Looking at the facts presented by Gurbaj and his family, the court held that Gurbaj Singh Multani was indeed a faithful follower of orthodox Sikhism, and as such sincerely believed that wearing an authentic metal kirpan was essential to his religious practice. Thus, to require that Gurbaj wear a replica kirpan – either a pendant or a plastic dagger – was indeed an infringement of his religious freedom.

Justice Charron then looked to whether the school board had a justified right to such infringement of religious expression based on their assertion of ensuring public safety. The court found that while the school board certainly had a justified interest in safety and that a ban on carrying weapons was rationally connected to this interest, Gurbaj Singh did not pose a threat by the wearing of a concealed and secured kirpan. The Court, thus, ordered that the school board's ban against Gurbaj wearing a kirpan be lifted.

This case exemplifies the Supreme Court of Canada's acknowledgement that religious freedom is an important value of Canadian society. In the multicultural milieu that we know as Canada, the Supreme Court demonstrates again its important role in articulating the evolution of freedoms among our diverse community.

This case exemplifies the Supreme Court of Canada's acknowledgement that religious freedom is an important value of Canadian society.

meet the needs of the family and the school. However, the governing board of the Ecole Sainte-Catherine-Laboure disapproved of this arrangement, arguing that wearing a kirpan posed a safety risk and violated the school's code of conduct – which forbade the carrying of a weapon or dangerous object. The board offered the family an alternative, suggesting that Gurbaj might wear a miniature kirpan as a neck pendant or wear a kirpan in his belt that was made of something other than metal. The board believed that these alternative methods

Labour Minister Blackburn's Visit at UBC

POH PENG WONG, Administrator

The Honourable Jean-Pierre Blackburn, Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Québec, was in Vancouver on Monday, August 28, as part of his national tour of five city centres – visiting employers, employees, and community organizations to promote fair, inclusive and racism-free workplaces.

The Minister visited UBC on Monday morning to promote the government's Racism-Free Workplace Strategy. He was greeted by Dr. Anna Kindler, Vice Provost and Associate Vice President, Academic Affairs, on behalf of UBC's President and Provost. Mr. Blackburn and his staff met with members of the President's Advisory Committee on Equity, Discrimination & Harassment, in an informal meeting that included dialogue on racism, employment equity, and workplace equity issues. Minister Blackburn presented UBC with a Certificate of Recognition for our contribution to promoting a fair and productive workplace.

According to Statistics Canada's Survey on Ethnic Diversity, 2003, more than 1.4 million people in Canada reported being subject to racial discrimination, with the workplace being the most common place where racism is experienced. Racial complaints represent

36 per cent of all complaints filed under Canada's Human Rights Act, and one in six Canadian adults (approximately four million people) reported that they have personally been the victims of racism.

Minister Blackburn is responsible for implementing the Employment Equity Act, now in its 20th year. The Employment Equity Act requires federally regulated private sector employers and Crown corporations with 100 or more employees to submit reports of their workforce to the Minister annually. Parliament reviews the

Act every five years. The next review is due later this year. UBC is not covered by the Employment Equity Act, but by the Federal Contractors Program. This Program covers all organizations of 100 employees or more that wish to bid on government contracts of \$200,000 or more. The government imposes no quotas, rather, UBC collects its own data and set its goals to achieve employment equity.

The Minister's visit concluded with a brief tour of the First Nations House of Learning Longhouse.



Minister Blackburn being greeted by Dr. Anna Kindler, Vice Provost and Associate Vice President, Academic Affairs, and Mr. Tom Patch, Associate Vice President, Equity, at UBC

Event Schedule

WORKSHOP OR EVENT	DATE	TIME	CONTACT INFORMATION
Positive Space Campaign Workshop	Nov 3/06	9:00–12:30pm	www.positivespace.ubc.ca
UBC Okanagan Aboriginal Student Association Powwow	Nov 4/06	12:00–10:00pm	http://okanagan.students.ubc.ca/current/aboriginal.cfm
Disabilities & Duty to Accommodate Workshop	Nov 7/06	9:00am–12:30pm	www.equity.ubc.ca/brochures/workshopcopy.pdf
International Day of Tolerance	Nov 16/06		
Is this Harassment? Knowing Your Human Rights and Responsibilities Workshop	Nov 22/06	9:00am–12:30pm	www.equity.ubc.ca/brochures/workshopcopy.pdf
Positive Space Campaign Workshop	Nov 22/06	9:00am–12:30pm	www.positivespace.ubc.ca
International Day for the Elimination of Violence Against Women	Nov 25/06		
16 Days of Activism Against Gender Violence	Nov 25–Dec 10/06	All week	UBC Vancouver events
Positive Space Campaign Workshop	Nov 29	12:00–3:00	www.positivespace.ubc.ca
World AIDS Day	Dec 1/06		
International Day of Disabled Persons	Dec 4/06	All day	http://okanagan.students.ubc.ca/current/disres.cfm
National Day of Remembrance and Action on Violence Against Women	Dec 6/06		Check with UBC Vancouver Equity Office and Access & Diversity Office
Black History Month	Feb 07		
Amnesty International Film Festival	Feb 17 & 18/07	Both days	http://okanagan.students.ubc.ca/international
International Women's Day Celebration	Mar 8/07	All day	http://web.ubc.ca/okanagan/hes/links.html
International Day for the Elimination of Racial Discrimination	Mar 21/07		

Employment Equity Quiz

1. In what year was the Canadian Employment Equity Act proclaimed?
2. In what year did UBC join the Federal Contractors Program?
3. The purpose of Canada's Employment Equity legislation is to ensure that no one is denied employment opportunities or benefits for reasons unrelated to
 - a) financial means
 - b) facial features, including hair and eye colour
 - c) ability
 - d) employment status
 - e) innate talents
 - f) all of the above
4. UBC's Employment Equity program seeks to attract and retain members of the four groups designated by the Federal Contractors Program as traditionally under-represented. Which of the following groups are NOT designated by the Federal Contractors Program?
 - a) Women
 - b) First Nations People
 - c) Portuguese, Italians, and Greeks
 - d) Visible Minorities
 - e) Persons with Disabilities
 - f) all of the above
5. True or False? UBC's Policy on Employment Equity is based on principles of individual merit and achievement, which means that employment decisions at the University are based on job performance criteria such as skills, knowledge, and abilities.
6. True or False? Employment Equity programs require universities to hire according to quotas, which means sometimes hiring unqualified or less-qualified applicants.
7. True or False? Employment Equity programs require universities to increase the range of applicants to reflect all those – including members of designated groups – who are qualified candidates.
8. True or False? UBC's Employment Equity program conforms to the British Columbia Human Rights Code, which allows the institution of programs that ameliorate conditions of disadvantage based on race, colour, ancestry, place of origin, physical or mental disability, or sex.
9. To attract and select the best available applicants from the widest possible range of candidates, universities should
 - a) advertise job vacancies widely
 - b) encourage applications from members of designated groups
 - c) ensure that recruitment and selection processes are bias-free
 - d) all of the above
10. In recognition of UBC's demonstrated excellence in developing and instituting its Employment Equity program, Human Resources Development Canada (HRDC) awarded UBC Certificates of Merit or a Vision Award in
 - a) 1992
 - b) 1995
 - c) 1997
 - d) 2003
 - e) all of the above

About Us

The Equity Office at the University of British Columbia works to prevent discrimination and harassment on campus, to provide procedures for handling complaints, and to coordinate UBC's employment and educational equity program. We help educate members of the UBC community about their rights and responsibilities. Workshops and training sessions for students, staff and faculty on issues such as discrimination and harassment, equity and diversity are offered regularly and are available on request.

VISION

The Equity Office envisions a community in which human rights are respected and equity is embedded in all areas of academic, work and campus life. Through its leadership, vision and collaborative action, the Equity Office will further UBC's commitment to excellence, equity and mutual respect.

MISSION

To advance equity and human rights at UBC by promoting diversity, eliminating discrimination and engaging the community in dialogue and action.

CONTACT INFORMATION

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The Equity Office produces *Equity Matters* to keep faculty, staff, and students informed on equity and diversity issues. This newsletter is available in limited hard copy, alternative format, and on the web at www.equity.ubc.ca. Suggestions, news and event notices for inclusion in *Equity Matters* are welcome. Email equity@interchange.ubc.ca

COPYEDITING & DESIGN

UBC Communication Services

ANSWERS
1. 1995
2. 1997
3. f
4. c
5. True
6. False
7. True
8. True
9. d
10. e