



Safe and Caring Schools – A Resource for Equity and  
Inclusion in Manitoba Schools

**Q & A**



**di**  **ersity =**  
**possibility**



## QUESTIONS & ANSWERS ABOUT LGBTQ HUMAN RIGHTS LEGISLATION AND POLICY IN MANITOBA

-  **Q1.** Everyone at my school says “that’s so gay” or “you’re so gay” when they mean they don’t like something. When I asked my teacher why he never intervenes, he said it wasn’t hurting anybody and that I should lighten up. What can I do? 4
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## ABUSIVE OR OFFENSIVE LANGUAGE

**Q:**

*Everyone at my school says “that’s so gay” or “you’re so gay” when they mean they don’t like something. When I asked my teacher why he never intervenes, he said it wasn’t hurting anybody and that I should lighten up. What can I do?*

**A:**

These phrases are especially harmful since, unfortunately, this is often the only context in which the word “gay” is used in school settings. All schools have a duty to maintain positive school environments for all persons served by them and they must always be vigilant about anything that might interfere with this duty.

See: *Ross v. New Brunswick School District No.15*, [1996] 1 S.C.R. 825  
<http://csc.lexum.org/en/1996/1996scr1-825/1996scr1-825.html>

**YOU CAN TELL YOUR TEACHER** that homophobic language does hurt people, particularly youth who are lesbian, gay, bisexual, trans, two-spirited, queer, or questioning (LGBTQ), youth who are perceived to be LGBTQ, and youth with LGBTQ parents, other family members, or friends.

1. In 2004 Manitoba made it law that schools must ensure safe and caring environments for all students, that regulations be made about positive and safe school environments, codes of conduct and emergency plans, and that committees be created to advise principals in preparing these codes and plans. The Safe Schools Charter amended The Public Schools Act and The Education Administration Act. Both apply to all public and funded independent schools. See <http://web2.gov.mb.ca/bills/38-2/b030e.php>
2. “Youth Speak Up about Homophobia and Transphobia in Canadian Schools” (March 2009) shows that of the 1,700 participants, three-quarters of Canadian LGBTQ students feel unsafe in at least one place at school. See <http://MyGSA.ca/setting-gsa/homophobia-transphobia-statistics>. The use of homophobic language detracts from creating safer spaces in learning environments.
3. According to Manitoba’s Public Schools Act, “every school board shall ensure that each pupil enrolled in a school within

the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours.” The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

4. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools requires school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will “promote and enhance:
  - a safe and inclusive learning environment
  - the acceptance and respect for others, and
  - the creation of a positive school environment”

This policy is also meant to “address training for teachers and other staff about bullying and prevention and strategies for promoting respect for human diversity and a positive school environment”... and must be prepared with “due regard for the principles of The Human Rights Code.”

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

5. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools provided a new definition of bullying to be included in The Public Schools Act: “In this Act, “bullying” is behaviour that
  - (a) is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person’s body, feelings, self-esteem, reputation or property; or
  - (b) is intended to create, or should be known to create, a negative school environment for another person.”

It goes on to state that bullying can be written, verbal, physical or electronic communication (cyberbullying).

“That’s so gay” is homophobic and causes harm to an LGBTQ-identified person’s feelings and self-esteem. It is also causing a negative school environment for you. Your teachers should intervene.

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php2/b018e.php>

6. The *Manitoba Human Rights Code* (the *Code*) is a law that provides for equal rights and opportunities and recognizes the dignity and worth of every person in Manitoba. The *Code* makes it against the law to discriminate against someone or to harass anyone because of sexual orientation or gender identity. This right to be free from discrimination and harassment applies to your school environment. This means that a person, student or staff member, cannot be treated unequally or subjected to harassment in a school environment because of sexual orientation. Making a harmful comment or action that is known or ought to be known to be unwelcome constitutes harassment: for example, homophobic “jokes,” insults, or hints being made about a person’s sexual orientation.

Not respecting the protected grounds of non-discrimination in the Code could result in what the Manitoba Human Rights Commission calls a “poisoned environment.” See <http://www.manitobahumanrights.ca/sexualharassment.html>

7. The Manitoba Teachers’ Society has a policy on Equity Issues that includes the following commitments: that “Society members and employees promote and understanding and active inclusion of ‘equity-seeking groups’ the applicable characteristics of which are specified in the Manitoba Human Rights Code, Section 9(2); that the Society support all members

in providing safe and inclusive learning environments that respect human diversity and prevent the expression of negative judgments based on gender bias, sexual stereotyping, sexual orientation and/or gender identity; the elimination of all forms of discrimination in the schools and communities of Manitoba, with discrimination being defined by the Manitoba Human Rights Code, Section 9(1); that the Society actively advocate and promote actions that provide plans for prevention of and appropriate responses to discriminatory incidents, develop a climate of respect for diversity, and promote positive interactions among all members of the education community.” See: <http://www.mbteach.org/library2/constitution-bylawsa-and-policies-governing-the-manitoba-teachers-society>

8. The Department of Education and Advanced Learning document *A Whole School Approach to Safety and Belonging: Preventing Violence and Bullying* states that “A whole-school approach to safety and belonging requires a conscious effort to meet the needs of all students in all educational environments. This is particularly important in terms of appropriate responses to negative or hurtful behaviours.” Your teacher should intervene. See: [http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)
9. Manitoba’s Public Schools Act requires each school division to “ensure that each pupil enrolled in a school within the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours.”

Homophobic remarks (for example “that’s so gay”, “faggot” or “dyke”) that go unchallenged undermine this safe and caring environment – not just for LGBTQ students, but also for students perceived as LGBTQ, as well as staff and family members.

A safe and caring school environment allows students to focus on learning and reach their potential.

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

10. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division's policy, bring it to your teacher's attention, and speak up!
11. Under the United Nations' Convention on the Rights of the Child, education is intended to develop the personalities and talents of all children and young people (Article 29). See <http://www.unicef.org/crc/>. Allowing the word "gay" to be used in a negative manner makes it very difficult for any LGBTQ students or students with LGBTQ parents, other family members, or friends to fully be themselves. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.



**Q2:**

*I'm trans and I get called names like "he-she" and "tranny." Students in my class even have a song going. I asked my teacher to intervene, but she said they're not saying anything offensive unless they use racist or homophobic terms like "paki" or "faggot." Is this right?*

**A2:**

No, it is not. The terms and the song are clearly intended as insults and are causing you distress.

1. According to the Manitoba Public Schools Act, schools must have a code of conduct. The code of conduct must include a statement that abuse of any kind, bullying, and discrimination on the basis of any characteristic listed in the Manitoba Human Rights Code are unacceptable. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>.

By calling you names and inventing songs about you, your classmates are singling out your gender identity and implying that it is inferior. It is not, and your classmates' behaviour constitutes bullying.

Furthermore, amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools require school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will "promote and enhance:

- a safe and inclusive learning environment
- the acceptance and respect for others, and
- the creation of a positive school environment"

This policy is also meant to "address training for teachers and other staff about bullying and prevention and strategies for promoting respect for human diversity and a positive school environment"... and must be prepared with "due regard for the principles of The Human Rights Code." See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

Your teacher should intervene.

2. “Youth Speak Up about Homophobia and Transphobia in Canadian Schools” (March 2009) shows that of the 1,700 participants, 95% of trans students feel unsafe at school, compared to one-fifth of heterosexual students. See <http://MyGSA.ca/setting-gsa/homophobia-transphobia-statistics>. The use of transphobic language detracts from creating safer spaces in learning environments.
3. Explain to your teacher that the phrases “he-she” and “tranny” are discriminatory and abusive. While they may not be racist or homophobic, they are transphobic. No one form of discrimination is any more acceptable than another. Under the *Canadian Charter of Rights and Freedoms* (the *Charter*), everyone is entitled to express their views freely; however, using offensive language that is insulting to a particular group is an example of when this right is restricted. See <http://laws.justice.gc.ca/en/charter/1.html>. Encourage your teacher to apply this argument to dealing with transphobic language. Although the category of gender identity is not explicitly mentioned in the *Charter*, the category of sex is protected and has been interpreted by many courts to include trans persons, thereby making transphobic language unacceptable.
4. The Manitoba Teachers Society has a policy on Equity Issues that includes the following commitments: that “Society members and employees promote and understanding and active inclusion of ‘equity-seeking groups’ the applicable characteristics of which are specified in the Manitoba Human Rights Code, Section 9(2); that the Society support all members in providing safe and inclusive learning environments that respect human diversity and prevent the expression of negative judgments based on gender bias, sexual stereotyping, sexual orientation and/or gender identity; the elimination of all forms of discrimination in the schools and communities of Manitoba, with discrimination being defined by the Manitoba Human Rights Code, Section 9(1); that the Society actively advocate and promote actions that provide plans for prevention of and appropriate responses to discriminatory incidents, develop

a climate of respect for diversity, and promote positive interactions among all members of the education community.”  
See: <http://www.mbteach.org/library2/constitution-bylawsa-and-policies-governing-the-manitoba-teachers-society>

5. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools provided a new definition of bullying to be included in The Public Schools Act: “In this Act, “bullying” is behaviour that
  - (a) is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person’s body, feelings, self-esteem, reputation or property; or
  - (b) is intended to create, or should be known to create, a negative school environment for another person.”

The Act goes on to state that bullying can be written, verbal, physical or electronic communication (cyberbullying).

Making up songs about you is transphobic and causes harm to a trans-identified or gender-independent person’s feelings and self-esteem. It is also causing a negative school environment for you. Your teacher should intervene.

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

6. The Department of Education and Advanced Learning document *A Whole-School Approach to Safety and Belonging: Preventing Violence and Bullying* states that “A whole-school approach to safety and belonging requires a conscious effort to meet the needs of all students in all educational environments. This is particularly important in terms of appropriate responses to negative or hurtful behaviours.” Your teacher should intervene. See [http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)



7. Gender identity is an applicable characteristic that is protected from discrimination under the *Manitoba Human Rights Code*. This means that anyone who is discriminated against or harassed because of gender identity is legally protected. This includes transsexual, transgender, and intersex persons, as well as cross-dressers and other people whose gender identity or expression is, or is seen to be, different from their birth-identified sex.
8. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division's policy, bring it to your teacher's attention, and speak up!
9. The United Nations' Convention on the Rights of the Child says that education should develop all children's and young people's personalities and talents to their fullest potential (Article 29). See <http://www.unicef.org/crc>. Allowing the words "he-she" and "tranny" to be used makes it very difficult for any trans students or students with trans parents, other family members, or friends to fully be themselves. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.
10. Transphobia, racism, and homophobia are all related. Similarly to the point on a graph where lines cross being called a point of "intersection," the fact that categories of identification—such as class, ethnic origin, gender identity, physical and mental ability, race, religion, sexual orientation, or other factors—are experienced simultaneously and cannot genuinely be separated from one another is referred to as "intersectionality." Often, people are discriminated against with regard to multiple categories.

Q3:

*My dad gave birth to me before he transitioned from female-to-male (FTM). My teacher insists on calling him my mother, and talks about me as having lesbian parents, which I don't - I have a mom and a dad. What can I do?*

A3:

1. It is very difficult to enjoy school if you do not feel respected or if you fail to see images of or hear about families that look similar to your own.

The preamble to Manitoba's Public Schools Act includes the following:

“AND WHEREAS public schools should contribute to the development of a fair, compassionate, healthy and prosperous society; AND WHEREAS the public school system must take into account the diverse needs and interests

of the people of Manitoba. The Act goes on to state that “every school board shall ensure that each pupil enrolled in a school within the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours.” See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

**CONSULT WITH A PARENT** or someone you trust to assist you in addressing these concerns with your teacher. You may decide to tell your teacher that you find her or his language offensive and disrespectful because it fails to recognize your family.

2. Under the United Nations' Convention on the Rights of the Child, you have the right to privacy and protection in relation to attacks against your family (Article 16). See <http://www.unicef.org/crc>. Also, under Article 12 of the *Universal Declaration of Human Rights*, you have the right to have your private life and family life be respected. See <http://www.un.org/en/documents/udhr/index.shtml>. This teacher is being disrespectful.
3. The *Manitoba Human Rights Code* (the *Code*) protects familial relationships from discrimination through the characteristic of marital and family status. The *Code* defines family status as

Your school should invest in books for the library that include trans people, display posters depicting trans people, and advertise and allow access to trans-supportive websites, such as Egale's national LGBTQ safer schools and inclusive education website, [MyGSA.ca](http://MyGSA.ca).



follows: “Family status will be interpreted to include being a parent or not being a parent, regardless of the manner in which a person becomes a parent; and it may also include any other familial or perceived familial relationship.” See <http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>. Some Human Rights Commissions have publications that recognize the impact of intersectionality for LGBTQ families. According to the Ontario Human Rights Commission, “Often, the families of lesbians, gays, bisexuals and transgendered persons are not recognized as valid families, and are therefore invisible to others...Discrimination, homophobia and transphobia may make it difficult for LGBT persons to openly discuss their families and request appropriate services or accommodations. Family members of LGBT persons may find themselves harassed, bullied or ostracized because of their relationship.” For more information, consult the Ontario Human Rights Commission’s Policy and Guidelines on Discrimination Because of Family Status. To download a PDF version, go to <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.

4. The Manitoba Teachers Society has a policy on Equity Issues that includes the following commitments: that “Society members and employees promote and understanding and active inclusion of ‘equity-seeking groups’ the applicable characteristics of which are specified in the Manitoba Human Rights Code, Section 9(2); that the Society support all members in providing safe and inclusive learning environments that respect human diversity and prevent the expression of negative judgments based on gender bias, sexual stereotyping, sexual orientation and/or gender identity; that the Society actively advocate and promote actions that develop a climate of respect for diversity and promote positive interactions among all members of the education community.” See: <http://www.mbteach.org/library2/constitution-bylawsa-and-policies-governing-the-manitoba-teachers-society>

5. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools require school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will “promote and enhance:
- a safe and inclusive learning environment
  - the acceptance and respect for others, and
  - the creation of a positive school environment”

The respect for human diversity policy must be prepared with “due regard for the principles of The Human Rights Code.” See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

6. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division’s policy, bring it to your teacher’s attention, and speak up!



*Q4:*

*There is graffiti all over the boys' washrooms. Most of it is stuff like "Akim f\*\*ks arse" and "John is a faggot." Shouldn't the school be removing all of this?*

*A4:*

Yes. The school should have removed all of it immediately to demonstrate that such language (not to mention vandalism) will not be tolerated.

1. In 2004 Manitoba made it law that schools must ensure safe and caring environments for all students, that regulations be made about positive and safe school environments, codes of conduct and emergency plans, and that committees be created to advise principals in preparing these codes and plans.

The Safe Schools Charter amended The Public Schools Act and The Education Administration Act. Both apply to all public and funded independent schools. See <http://web2.gov.mb.ca/bills/38-2/b030e.php>

2. According to the Manitoba Public Schools Act, schools must have a code of conduct. The code of conduct must include a statement that abuse of any kind, bullying, and discrimination on the basis of any characteristic listed in the Manitoba Human Rights Code are unacceptable. It must also state that pupils and staff "must behave in a respectful manner and comply with the code of conduct."

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

3. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools included a new definition of bullying to be included in The Public Schools Act:

"In this Act, "bullying" is behaviour that

- (a) is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property; or



(b) is intended to create, or should be known to create, a negative school environment for another person.”

The Act also states that bullying can be written, verbal, physical or electronic communication (cyberbullying).

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>.

Any type of harassment, including graffiti, has a negative impact on school climate and is a form of bullying. Not only should it be removed immediately from the school environment, it must be reported to the principal, who must consider whether to suspend the person who did it.

4. The Department of Education and Advanced Learning document *A Whole School Approach to Safety and Belonging: Preventing Violence and Bullying* states that “a school-wide approach to safety and belonging sends a strong message to all individuals in the school community. An ongoing collaborative process that encourages a safe and caring climate addresses concerns related to harmful behaviours, including bullying, violence, threat, intimidation, and harassment. See: [http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)

Department of Education and Advanced Learning documents apply to all public and funded independent schools.

5. According to the The Department of Education and Advanced Learning document *Towards Inclusion From Challenges to Possibilities – Planning for Behaviour*, key factors of a positive school climate include having graffiti removal procedures in place.



**When students do not feel safe at school, their education is likely to suffer as a consequence.**

Discriminatory graffiti detracts from creating safer spaces in learning environments and when students do not feel safe at school, their education is likely to suffer as a consequence. Department of Education and Advanced Learning documents apply to all public and funded independent schools. See: <http://www.edu.gov.mb.ca/k12/specedu/beh/index.html>.

6. Article 29 of the United Nations' Convention on the Rights of the Child says that education is intended to develop the personalities and talents of all children and young people. See <http://www.unicef.org/crc>. By allowing such vandalism to be visible, it is very difficult for LGBTQ students, students perceived to be LGBTQ, and students with LGBTQ parents, other family members, or friends to fully be themselves. Additionally, Article 19 ensures that children and young people are properly cared for and protected from abuse. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.
7. The Manitoba Teachers Society has a policy on Equity Issues that includes a commitment to “the elimination of all forms of discrimination in the schools and communities of Manitoba, with discrimination being defined by the Manitoba Human Rights Code, Section 9(1). See: <http://www.mbteach.org/library2/constitution-bylawsa-and-policies-governing-the-manitoba-teachers-society>
8. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools requires school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will “promote and enhance:
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This policy must be prepared with “due regard for the principles of The Human Rights Code.”

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

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- a safe and inclusive learning environment
- the acceptance and respect for others, and
- the creation of a positive school environment”

This policy must be prepared with “due regard for the principles of The Human Rights Code.”

Gender identity and sexual orientation are both applicable characteristics that are protected from discrimination under The Code. See <http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>.

Where homophobic or otherwise discriminatory graffiti is left visible, many students—regardless of sexual orientation or gender identity—may feel unsafe.

10. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division’s policy, bring it to your teacher’s attention, and speak up!



Where homophobic graffiti is visible, many students—regardless of sexual orientation or gender identity—may feel unsafe.

Q5:

*I come from a First Nation community that is not accepting of diversity of sexuality, which made it very hard to come out as a gay person at school. If First Nations and Inuit people were so inclusive of LGBTQ people before Europeans arrived on Turtle Island, why are some Aboriginal communities today so homophobic and intolerant of diversity?*

A5:

When indigenous nations are colonized by other nations, sometimes the indigenous people will adapt to the values, beliefs, and cultures of the colonizer because they are forced and they fear reprisal. As a result, the previously successful traditional social system often becomes oppressed and devalued by its own people. Aboriginal people in Manitoba have been interacting with European Canadians for two centuries and a lot of the traditional ways of being have been lost or become dormant. In the 1700 and 1800's, homophobia and racism was imposed upon Aboriginal people by various religious groups and the settler society. However, if we look to our First Nations historical roots, traditions, and values we know that Aboriginal LGBTQ or Two-Spirit people are to be respected and have a rightful place in today's family and community. Lastly, we also need to consider that international and Canadian Human Rights principles and laws ensure that all people (on and off-reserve) are protected from discrimination based on sexual orientation and gender identity.

**Qb:**

*I have two moms. My non-biological mom has adopted me. My teacher knows they are both legally responsible for me, but he still keeps asking me which one is my “real” mom. Is this appropriate?*

**Ab:**

No. It is inappropriate and may be a breach of your human rights for your teacher to ask you this question.

In 2004 Manitoba made it law that schools must ensure safe and caring environments for all students, that regulations be made about positive and safe school environments, codes of conduct and emergency plans, and that committees be created to advise principals in preparing these codes and plans. The Safe Schools Charter amended The Public Schools Act and The Education Administration Act. Both

apply to all public and funded independent schools. See <http://web2.gov.mb.ca/bills/38-2/b030e.php>

1. Under Article 12 of the *Universal Declaration of Human Rights*, you have the right to have your private life and family life be respected. Asking in effect which parent gave birth to you violates these rights. See <http://www.un.org/en/documents/udhr/index.shtml#a12>. This is also backed up by Article 16 of the United Nations’ Convention on the Rights of the Child. See <http://www.unicef.org/crc/>
2. If your non-biological parent has adopted you, your school has a legal obligation to treat her exactly as it would treat a biological parent. This includes not asking if she is a “real” parent. Manitoba’s Adoption Act was amended in 2003 to allow same-sex couples to adopt. See <http://www.gov.mb.ca/justice/family/law/englishbooklet/chapter13.html>
3. If your non-biological parent holds Parental Responsibility for you, your school has a legal obligation to treat her exactly as it would treat a step-parent. This includes not asking if she is a “real” parent.

4. The *Manitoba Human Rights Code* (the *Code*) protects familial relationships from discrimination through the characteristic of marital and family status. The *Code* defines family status as follows: “Family status will be interpreted to include being a parent or not being a parent, regardless of the manner in which a person becomes a parent; and it may also include any other familial or perceived familial relationship.” See <http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>.

Some Human Rights Commissions have publications that recognize the impact of intersectionality for LGBTQ families. According to the Ontario Human Rights Commission, “Often, the families of lesbians, gays, bisexuals and transgendered persons are not recognized as valid families, and are therefore invisible to others...Discrimination, homophobia and transphobia may make it difficult for LGBT persons to openly discuss their families and request appropriate services or accommodations. Family members of LGBT persons may find themselves harassed, bullied or ostracized because of their relationship.” For more information, go to <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.

5. Point out to your teacher that such a belief is based on the stereotype that all families are headed by one man and one woman and that any other family structure is unfortunately often considered to be weird or inferior. This is not true—it is an example of heterosexism. The Vanier Institute of the Family has indicated that “fewer than half of all Canadian families now consist of a married heterosexual couple with one or more children.” See <http://www.ohrc.on.ca/en/resources/Policies/fampolicy/pdf>.
6. In Manitoba, The Adoption Act also allows two persons who are not spouses or common-law to adopt a child together. See: <http://www.gov.mb.ca/justice/family/law/englishbooklet/chapter13.html>.

7. The Canadian Teachers' Federation's Policy on Anti-Homophobia and Anti-Heterosexism includes a comprehensive vision of a curriculum-integrated, total school working and learning environment that is "safe, welcoming, inclusive, and affirming for people of all sexual orientations and gender identities." See <http://www.ctf-fce.ca/documents/Priorities/EN/pd/BGLTT/BGLTTPolicies%20-English.pdf>. Parents are part of the school community and it is important that parents' and students' rights are respected. Let your teacher know he can find a copy online at [www.ctf-fce.ca](http://www.ctf-fce.ca).

8. The preamble to Manitoba's Public Schools Act includes the following: "AND WHEREAS public schools should contribute to the development of a fair, compassionate, healthy and prosperous society; AND WHEREAS the public school system must take into account the diverse needs and interests of the people of Manitoba.

The Act goes on to state that "every school board shall ensure that each pupil enrolled in a school within the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours."

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

9. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools require school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will "promote and enhance:

- a safe and inclusive learning environment
- the acceptance and respect for others, and
- the creation of a positive school environment"

This policy is also meant to “address training for teachers and other staff about bullying and prevention and strategies for promoting respect for human diversity and a positive school environment...and must be prepared with “due regard for the principles of the Human Rights Code.”

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

10. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division's policy, bring it to your teacher's attention, and speak up!
11. The Manitoba Teachers' Society has a policy on Equity Issues that includes “that the Society actively advocate and promote actions that develop a climate of respect for diversity and promote positive interactions among all members of the education community...and that the Society support all members in providing safe and inclusive learning environments that respect human diversity and prevent the expression of negative judgments based on gender bias, sexual stereotyping, sexual orientation and/or gender identity.” See: <http://www.mbteach.org/library2/constitution-bylawsa-and-policies-governing-the-manitoba-teachers-society>



**YES, IT IS.** You are entitled to identify your sexual orientation any way you like, including not at all.

**Q7:**

*When somebody in my class asked about my sexual orientation, I referred to myself as “queer” and I got punished by my teacher. Surely that’s wrong?*

**A7:**

Your teacher may have felt, mistakenly, that you were being homophobic since the term “queer” has a long homophobic history. Explain that this was not your intention and direct your teacher to the definitions of the term “queer” in the Terms & Concepts section of Egale’s national LGBTQ safer schools and inclusive education website, *MyGSA.ca*, or this Resource Kit. See <http://MyGSA.ca/content/terms-concepts>

Direct your teacher to the definitions of the term “queer” in the Terms & Concepts section of Egale’s national LGBTQ safer schools and inclusive education website, *MyGSA.ca*.



1. In 2004 Manitoba made it law that schools must ensure safe and caring environments for all students, that regulations be made about positive and safe school environments, codes of conduct and emergency plans, and that committees be created to advise principals in preparing these codes and plans. The Safe Schools Charter amended The Public Schools Act and The Education Administration Act. Both apply to all public and funded independent schools. See <http://web2.gov.mb.ca/bills/38-2/b030e.php>
2. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools require school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will “promote and enhance:
  - a safe and inclusive learning environment
  - the acceptance and respect for others, and
  - the creation of a positive school environment”

This policy is also meant to “address training for teachers and other staff about bullying and prevention and strategies for promoting respect for human diversity and a positive school environment...and must be prepared with “due regard for the principles of the Human Rights Code.”

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

3. Manitoba’s Public Schools Act requires each school division to “ensure that each pupil enrolled in a school within the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours.” See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>
4. The *Manitoba Human Rights Code* (the *Code*) is a law that provides for equal rights and opportunities and recognizes the dignity and worth of every person in Manitoba. The *Code* makes it against the law to discriminate against someone or to harass anyone because of sexual orientation. This right to be free from discrimination and harassment applies to your school environment. This means that your teacher cannot treat you unequally or subject you to harassment because you are lesbian, gay, bisexual, or heterosexual. See <http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>
5. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools require school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district. The respect for human diversity policy will “promote and enhance:
  - a safe and inclusive learning environment
  - the acceptance and respect for others, and
  - the creation of a positive school environment”

This policy must be prepared with “due regard for the principles of The Human Rights Code.”

The Public Schools Act applies to all public and funded independent schools. See <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>.

If you are unable to find your school division’s respect for human diversity policy ask your principal for a copy of it. Your school should be doing whatever it can to provide you with a safe, inclusive learning environment where you feel welcome and respected.

6. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division’s policy, bring it to your teacher’s attention, and speak up!

**Q8:**

*When I was walking by the principal's office the other day, I heard a parent of one of the other students saying something about not finding it appropriate to have a "dating club" at our school and that certain movies should not be shown in classrooms. I didn't hear the principal's response. What would be an appropriate response?*

**A8:**

Your principal should have taken this opportunity to challenge misconceptions about Gay-Straight Alliances (or GSAs) and said "A GSA is not a dating club." A GSA is any inclusive student group concerned with lesbian, gay, bisexual, trans, two-spirited, queer, and questioning (LGBTQ) matters and they also serve as support groups for LGBTQ students, allies, and youth with LGBTQ parents or other family members. For more extensive definitions, see the Terms & Concepts section of Egale's national LGBTQ safer schools and inclusive education website, [MyGSA.ca](http://MyGSA.ca), or this Resource Kit. See <http://MyGSA.ca/content/terms-concepts>

**YOUR PRINCIPAL SHOULD HAVE SAID** that the Department of Education and Advanced Learning is supportive of Manitoba's diverse school communities and that in Manitoba's publicly-funded school environments—whether high school, middle school, or elementary school—diversity explicitly includes sexual orientation and gender identity.

**Your principal should have told the parent that a Gay-Straight Alliance is *not* a "dating club."**



Regarding the film, your principal should have told the parent that inclusive curriculum is integral to student success: "Students need to feel engaged in and empowered by what they are learning, supported by the teachers and staff from whom they are learning, and welcomed in the environment in which they are learning." See: <http://www.edu.gov.on.ca/eng/policyfunding/inclusivguide.pdf>

1. The Department of Education and Advanced Learning document *A Whole-School Approach*

For more extensive definitions, see the Terms & Concepts section of Egale’s national LGBTQ safer schools and inclusive education website, *MyGSA.ca*.



**Inclusive curriculum is integral to student success.**

*to Safety and Belonging: Preventing Violence and Bullying* states that “sometimes it becomes necessary for the school staff to take steps to ensure that students are understanding of unique differences among all people and that they accept all other students.” See: [http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)

2. The preamble to The Public Schools Act includes the following: “WHEREAS public schools should contribute to the development of a fair, compassionate, healthy and prosperous society; AND WHEREAS the public school system must take into account the diverse needs and interests of the people of Manitoba”.

GSAAs address both of these statements by helping to develop understanding and awareness, and providing a safe space for LGBTQ youth in schools.

The Public Schools Act applies to all public and funded and independent schools. See: <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>



**Any learning environment that neglects to integrate LGBTQ matters into the curriculum is unwelcoming to LGBTQ students, allies, and youth with LGBTQ parents or other family members. See <http://www.edu.gov.on.ca/extra/eng/ppm/119.html> and <http://www.edu.gov.on.ca/eng/policyfunding/equity.pdf>**

3. Amendments made to The Public Schools Act in 2013 concerning Safe and Inclusive Schools require school boards to have a respect for human diversity policy and to ensure that the policy is implemented in each school in the school division or school district.

The respect for human diversity policy must be prepared with “due regard for the principles of The Human Rights Code “and “must accommodate students who want to establish and lead organizations that

- a) promote:
  - gender equity
  - antiracism
  - the awareness and understanding of, and respect for, people who are disabled by barriers, or
  - the awareness and understanding of, and respect for, people of all sexual orientations and gender identities
- b) use the name “gay-straight alliance” or any other name that is consistent with the promotion of a positive school environment that is inclusive and accepting of all pupils.”

The Public Schools Act applies to all public and funded independent schools. See: <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

Your principal should have explained to the parent that GSAs are an important part of inclusive and diverse school environments.

4. Manitoba’s Public Schools Act requires each school division to “ensure that each pupil enrolled in a school within the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours”.

The principal should have explained that GSAs help create safe and caring school environments.

The Public Schools Act applies to all public and funded independent schools. See: <http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

5. The respect for human diversity policy must be prepared with “due regard for the principles of The Human Rights Code.” Gender identity and sexual orientation are both applicable characteristics that are protected from discrimination under The Code.

See: <http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>

6. Several school divisions in Manitoba already have respect for human diversity policies that specifically mention sexual orientation and gender identity. You can find some of them in the Guide section of this kit. Check out your division’s policy, bring it to your teacher’s attention, and speak up!
7. The Department of Education and Advanced Learning document *A Whole-School Approach to Safety and Belonging: Preventing Violence and Bullying* states that “sometimes it becomes necessary for the school staff to take steps to ensure that students are understanding of unique differences among all people and that they accept all other students.”

A GSA could help in these efforts.

See: [http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)

Department of Education and Advanced Learning documents apply to all public and funded independent schools.

8. The Department of Education and Advanced Learning document *A Whole-School Approach to Safety and Belonging: Preventing Violence and Bullying* states that “s whole-school approach to safety and belonging requires a conscious effort to meet the needs of all students in all educational environments. This is particularly important in terms of appropriate responses to negative or hurtful behaviours.”

See: [http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)

Department of Education and Advanced Learning documents apply to all public and funded independent schools.

For more information, and to participate in discussions with other youth about LGBTQ matters, check out Egale’s national LGBTQ safer schools and inclusive education website: [MyGSA.ca](http://MyGSA.ca).







## WHAT CAN I DO?

### TALK TO OTHERS

If someone is harassing you, or someone you know, other people are probably having the same experience.

### KEEP A RECORD

Write down all the details. Include dates, times, and names of witnesses.

### SPEAK UP

If you're able to, it's your right to tell the harasser that you do not like the harassment and insist that it stop.

### GET ASSISTANCE

Contact an adult you trust in your school, or contact the Manitoba Human Rights Commission for information about filing a discrimination application: TOLL FREE: 1-888-884-8681 TTY: 1-888-897-2811 Email: [hrc@gov.mb.ca](mailto:hrc@gov.mb.ca). You can also call the Kids Help Phone: TOLL FREE: 1-800-668-6868 or via their website at [www.kidshelpphone.ca](http://www.kidshelpphone.ca).

### FILE A COMPLAINT

If you feel the situation is too serious to handle on your own, you may make a complaint directly to your principal or to the Manitoba Human Rights Commission.

### FOR MORE INFORMATION & SUPPORT...

Use Egale's national LGBTQ safer schools and inclusive education website, [MyGSA.ca](http://MyGSA.ca), or contact Egale at 1.888.204.7777 (toll-free) or [mygsa@egale.ca](mailto:mygsa@egale.ca)



"What Can I Do?" has been adapted from the Toronto District School Board's "Know Your Rights and Responsibilities."

**Safe and Caring Schools-  
A Resource for Equity and  
Inclusion in Manitoba Schools  
is part of Egale's Safe Schools  
Campaign.**

