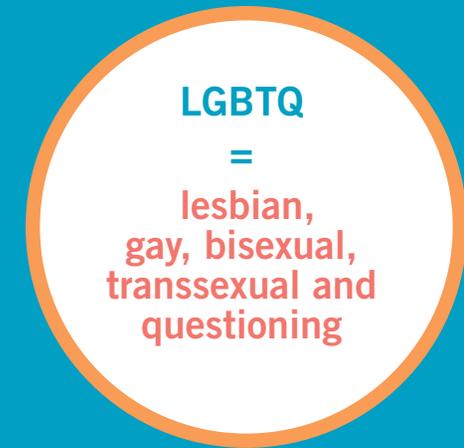


LEGAL,
MORAL
AND ETHICAL SUPPORT
FOR **ENDING**
HOMOPHOBIA



CFH

LEGAL, MORAL AND ETHICAL SUPPORT FOR ENDING HOMOPHOBIA



Although homophobic bullying is widespread in Québec's schools, some educators may be uncomfortable addressing issues related to sexual orientation and gender identity because of the potential controversy that may arise. The average classroom teacher continues to struggle in dealing with homophobic name-calling and curricular integration of LGBT issues for a variety of reasons.

BC educator Joan Merrifield (2006) conducted a survey on the effectiveness of the antihomophobia workshops offered by the British Columbia Teachers' Federation. She polled teachers from across BC who had participated in these workshops as part of their professional development training. The results provide insight into what educators think and how the teaching profession has begun to deal with LGBT issues. Some common themes emerged:

- Personal apathy, ignorance and/or discomfort
- Resistance from colleagues and administrators
- Fear of parent and community reactions
- Lack of skills and strategies in dealing with LGBT issues.

* This summary was written by Mona Greenbaum, LGBT Family Coalition director (2012). Although a variety of sources were consulted, the material in this section derives from four principal documents a) Commission des droits de la personne et des droits de la jeunesse – Québec (2002). Conference proceedings "Jeunes gais et lesbiennes : Quels droits et libertés à l'école?"; b) Meyer, E. J. (2010). *Gender and Sexual Diversity in Schools*. New York, NY: Springer.; c) Meyer, E. J. (2010). Teachers, Sexual Orientation and the Law in Canada: A Human Rights Perspective. *The Clearinghouse*, 83(3), 89-95; d) Meyer, E. (2010, November 27) Promoting Diversity and Inclusion: Strategies to end homophobia in schools – Part 2 (legal and policy issues). Pre-conference workshop presented at the annual convention of the Quebec Provincial Association of Teachers, Montreal, QC.

However, this is an issue that can no longer be ignored. The impact of homophobic bullying and harassment on students is well documented:

- **Poor academic performance¹**
- **Lower academic aspirations²**
- **Absenteeism³**
- **Emotional problems**
 - Depression and anxiety⁴
 - Loneliness/isolation⁵
 - Low self-esteem⁶
 - Suicidal ideation⁷
- **Poor physical health⁸**
- **Substance Abuse⁹**

Although the educators and school administrators in any given school community may hold a variety of differing personal opinions on the topic of sexual diversity, as professionals they have a responsibility to ensure a safe and affirming educational environment for all students so that they can learn to their full potential. Schools have a legal, ethical, and moral obligation to provide a setting allowing for an equal educational experience for all students. By working proactively to end homophobia and promote inclusion, educators can better support students:

- **From families with LGBT parents or siblings**
- **Who have a close friend or other family member who is LGBT**
- **Who are questioning their sexual orientation**
- **Who are gender non-conforming in their identity, preferences, preferred activities, style, etc.**
- **Who are the victims of homophobic and gender-based bullying and harassment**
- **Who identify as LGBT**

as well as educators:

- **Who identify as LGBT**
- **Who have close LGBT friends and family members**
- **Who want to support and encourage all students to achieve their full academic potential**
- **Who have LGBT colleagues**

Schools should promote and support environments that contribute positively to students' physical, psychological and emotional development. Doing so can only have a positive impact on their academic success and personal growth. The following is a list of legislative, legal and civil society initiatives that can provide a supportive framework and assist schools in developing anti-homophobic actions and policy.¹⁰

LEGISLATION

1

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The Canadian Charter of Rights and Freedoms forms the first part of the Constitution Act of 1982. It is a binding legal document that protects the basic human rights of all Canadians. Section 15 of the Canadian Charter of Rights and Freedoms¹¹ states that every individual is to be considered equal regardless of religion, race, national or ethnic origin, colour, sex, age or physical or mental disability. In *Egan v. Canada*, [1995] 2 S.C.R. 513,¹² the Supreme Court of Canada held that although 'sexual orientation' is not listed as a ground for discrimination in section 15(1), it constitutes an analogous ground on which claims of discrimination may be based. In *Vriend v. Alberta*, [1998] 1 S.C.R. 493,¹³ the Court held that provincial human rights legislation that omitted the ground of sexual orientation violated section 15(1).

2

CANADIAN HUMAN RIGHTS ACT

The Canadian Human Rights Act of 1985 was amended in 1996 to explicitly include sexual orientation as one of the prohibited grounds of discrimination.¹⁴ Including sexual orientation in the Act was an express declaration by Parliament that gay and lesbian Canadians, both adults and youth, are entitled to «an opportunity equal with other individuals to make for themselves the lives they are able and wish to have...» (Section 2).

3

QUÉBEC CHARTER OF HUMAN RIGHTS

With the Québec Charter of Human Rights (1977), Québec became the first jurisdiction (larger than a city or county) in the world to prohibit discrimination based on ‘sexual orientation’ in the public and private sectors. The Charter explicitly states that:

All people are entitled to be recognized and to exercise, in full equality, their human rights and freedoms without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap (Articles 10 and 10.1 of the Charter).

Québec’s Charter has become an important legal instrument for the recognition of gay and lesbian equality. Since the beginning of the 1980s, the Charter has been successfully used in Québec tribunals. The Charter promises to protect and defend citizens, including, of course, gay, lesbian, bisexual and transgendered adults and youth, as well as their family members.

4

CANADIAN HATE-CRIMES LAW - BILL C-250 – AN ACT TO AMEND THE CRIMINAL CODE

The Canadian Hate-Crimes Law, Bill C-250, was passed in the House of Commons in 2004. The law amends Section 318 (Hate Propaganda) and Section 319 (Incitement of Hatred) of the Criminal Code of Canada¹⁵ to include sexual orientation within the listing of identifiable groups against which hate propaganda is deemed a criminal offence. The law thus adds homosexuals to the list of people protected by Canada’s hate crimes legislation.

Although the law’s purpose certainly does not seem to be intended for use against school children, it does underline the fact that threatening homophobic language can be treated as a hate incident that should be reported to all school resource officers. The *Sûreté du Québec*, Québec’s province-wide police force, has made public appeals to Québec citizens to report crimes of this nature.

5

QUÉBEC EDUCATION ACT

In Québec, inclusive teaching practices are not only an ethical responsibility, but also a legal one. Thus, **Article 22, Line 3 of the Education Act** (R.S.Q. Ch. I-13.3) states that:

« *A teacher shall: take the appropriate means to foster respect for human rights in his or her students.* »

It is important to note that this obligation applies not only to teachers, but also to other stakeholders, including school administrations.

6

CIVIL CODE OF QUÉBEC

Article 1460 of the Civil Code of Québec highlights how Québec schools are responsible for their underage students. Children under 16 are legally required to attend school (where they spend at least seven hours a day). Parents entrust teachers and administrators with the responsibility for their children's safety and wellbeing. Schools act in *locus parentis*, and are therefore responsible for the wellbeing of those in their charge.

« *A person who, without having parental authority, is entrusted, by delegation or otherwise, with the custody, supervision or education of a minor is liable, in the same manner as the person having parental authority, to reparation for injury caused by the act or fault of the minor. Where he is acting gratuitously or for reward, however, he is not liable unless it is proved that he has committed a fault.* »

LEGAL DECISIONS

7

BILL 56 - AN ACT TO PREVENT AND STOP BULLYING AND VIOLENCE IN SCHOOLS

On June 12th, 2012, Quebec's National Assembly adopted unanimously An Act to prevent and stop bullying and violence in schools (Bill 56). The problems associated with bullying in schools are clearly expressed. The importance of prevention is recognized and schools must now adopt and implement anti-bullying and anti-violence plans, as well as rules of conduct and safety measures.

The Act puts an emphasis on bullying and violence emerging from racism or homophobia as well as a handicap or a physical characteristic. The revised definition of bullying focuses attention explicitly on occurrences where such acts cause distress on the victim, thereby including incidents of psychological bullying.

Changes in Quebec schools will include the creation of local teams to coordinate the application of the new Act in each school. Principals now have to be supportive of student groups conducting activities to prevent and stop bullying. The Act also emphasizes the importance of adopting a collaborative environment between schools and community stakeholders.

The law amends the *Education Act* and the *Act respecting private education*, both for schools in primary and secondary levels. Two new definitions are added (Article 13):

« *The term "bullying" means any conduct, speech, deliberate act or not expressed directly or indirectly, including in cyberspace through social media, in a context characterized by inequality of power between those concerned with the effect of generating feelings of distress and harm, injure, oppress or ostracize;* »

« *The term "violence" means any act of force, verbal, written, physical, psychological or sexual intentionally exerted against a person, having the effect of generating feelings of distress, harm, to injure or oppress by attacking his integrity and his psychological and physical well-being, rights or property.* »

The Act provides new obligations and responsibilities to school stakeholders: students, student committee, director and members of the school staff, parents, school board and the student ombudsman. It is based on five cornerstones:

1 *Plan against bullying and violence (Art. 75.1)*

2 *Rules of conduct with their minimal content was clarified and broadcast (Art. 76)*

3 *Person who coordinates the work of a team to fight against bullying and violence (Art. 96.12)*

4 *Agreements with the school board and the police as well with one health and social services organization (Art. 214.1 and 214.2)*

5 *Accountability to the Minister within the annual report already provided for in the Education Act (Art. 220 and 220.2)*

National Assembly of Québec – *Bill 56*

www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2012C19A.PDF

Fédération des syndicats de l'enseignement (CSQ) – *La dépêche*, novembre 2012

<http://fse.qc.net/publications/la-depeche-fse/> (*French only*)

LEGAL DECISIONS

8

ROSS V. NEW BRUNSWICK SCHOOL DISTRICT N^o. 15, (1996) 1 S.C.R. 825

In *Ross v. New Brunswick School District No. 15*, the Supreme Court of Canada ruled unanimously that the Board of School Trustees, District N^o. 15, discriminated with respect to a public service because it failed to take appropriate action against a teacher, Malcolm Ross, who made repeated public attacks on Jewish people. This judgment recognized that schools play a key role in promoting respect for human rights. Given the age and vulnerability of schools' clientele and their educational mandate, fundamental human rights are an important issue.

The Supreme Court declared:

« *A school is a communication centre for a whole range of values and aspirations of a society. In large part, it defines the values that transcend society through the educational medium. The school is an arena for the exchange of ideas and must, therefore, be premised upon principles of tolerance and impartiality so that all persons within the school environment feel equally free to participate... A school board has a duty to maintain a positive school environment for all persons served by it.* »

As well as:

« *Our Court accepted ... that teachers are a medium for the transmission of values. It is obvious that the pluralistic nature of society and the extent of diversity in Canada are important elements that must be understood by future teachers because they are the fabric of the society within which teachers operate and the reason why there is a need to respect and promote minority rights... Schools are meant to develop civic virtue and responsible citizenship, to educate in an environment free of bias, prejudice and intolerance.¹⁶* »

9

SCHOOL DISTRICT N^o. 44 (NORTH VANCOUVER) V. JUBRAN, (2005) B.C.C.A. 201 (BCSC 6 2005)

As a result of *North Vancouver School district No. 44 v. Jubran*, legal precedents now exist in Canada that underline the responsibility of schools and school boards in regards to the safety and well-being of students faced with homophobia. In June 1996, Azmi Jubran, a Grade 10 student at Handsworth Secondary in North Vancouver, lodged a human rights complaint, claiming he was a victim of discrimination since the school board had failed to protect him because of his sexual orientation. Despite being heterosexual, Azmi Jubran experienced harassment, insults and bullying of a homophobic nature because he was perceived as being gay. Although the school reacted to certain specific incidents, the tribunal concluded that the school had been negligent in failing to modify its strategy to combat the overall discriminatory, homophobic culture that reigned in the halls. On April 6, 2006, the British Columbia Supreme Court reiterated that public schools have the obligation, as a preventative measure, to create educational environments free of discriminatory harassment based on real or perceived sexual orientation.¹⁷

The tribunal also declared that homophobic harassment was not unique to Azmi Jubran's high school, but that it was a deep-rooted problem in all schools. The tribunal considered it of no importance that Azmi Jubran was not gay.

10

TRINITY WESTERN UNIVERSITY V. COLLEGE OF TEACHERS, (2001) 1 S.C.R. 772, 2001 SCC 31

In *Trinity Western University v. British Columbia College of Teachers* the Supreme Court of Canada heard a case from Trinity Western University (TWU), a private religious institution that filed against the British Columbia College of Teachers (BCCT). TWU had made a request to BCCT to be accredited as an autonomous teacher training college in order to reflect its Christian worldview. The BCCT refused the request because it believed that TWU discriminated against its students on the basis of sexual orientation by asking them to "refrain from practices that are biblically condemned" including homosexuality.

Although the ruling was in favour of TWU, stating that teachers had the right to entertain sexist, racist and homophobic beliefs, the court also made the following important distinction:

« ***Acting on those beliefs, however, is a very different matter. If a teacher in the public school system engages in discriminatory conduct, that teacher can be subject to disciplinary proceedings. Discriminatory conduct by a public school teacher when on duty should always be subject to disciplinary proceedings [and] disciplinary measures can still be taken when discriminatory off-duty conduct poisons the school environment (para. 37).*** »¹⁸

11

KEMPLING V. BRITISH COLUMBIA COLLEGE OF TEACHERS, (2005) B.C.S.C. 133

The position that teachers may hold discriminatory beliefs as long as they don't act upon them in such a way as to create a "poisoned" school environment was reinforced by another BC case. In *Kempling v. British Columbia College of Teachers*, a teacher, Chris Kempling, was suspended for one month for "conduct unbecoming" a teacher because he had published articles in a local newspaper that were considered to be defamatory towards homosexuals. Although the teacher's actions were outside of the school setting, the Supreme Court ruled that the BCCT was within its jurisdiction to suspend Kempling. The court's rationale for its decision was based on the:

« ***Wrongful public linking of his professional position to off duty expression of personally held discriminatory views in order to lend credibility to those views (paragraph 2).***¹⁹ »

This case again establishes a clear responsibility on the part of schools and their representatives to create learning environments that are free from discrimination.

12

CHAMBERLAIN V. SURREY DISTRICT SCHOOL BOARD N^o. 36, (2002) 4 S.C.R. 710, 2002 SCC 86

Chamberlain v. Surrey District School Board No. 36, was a case in which the Supreme Court of Canada held that a local school board could not impose its religious values by refusing to permit the use of books that sought to promote tolerance of same-sex relationships. Canada's highest court unequivocally rejected the Surrey School Board's attempt to ban from the classroom three books depicting same-sex families: *Belinda's Bouquet*, *Asha's Mums*, and *One Dad, Two Dads, Brown Dads, Blue Dads*. The Court referred the question of whether the books should be approved for use in the classroom back to the Board to be made according to "the broad principles of tolerance and non-sectarianism underlying the School Act."

The Court recognized that children benefit from learning respect for those who are different. Writing for the majority, Justice Beverley McLaughlin addressed the core argument of the Surrey School Board:

« ***It is suggested (by the Surrey School Board) that, while the message of the books may be unobjectionable, the books will lead children to ask questions of their parents that may be inappropriate for the K-1 level and difficult for parents to answer. Yet on the record before us, it is hard to see how the materials will raise questions which would not in any event be raised by the acknowledged existence of same-sex parented families in the K-1 parent population, or in the broader world in which these children live. The only additional message of the materials appears to be the message of tolerance. Tolerance is always age-appropriate. (para. 69).***²⁰ »

GOVERNMENT AND CIVIL SOCIETY INITIATIVES

13

FROM LEGAL TO SOCIAL EQUALITY: TOWARDS A NATIONAL STRATEGY TO FIGHT HOMOPHOBIA (TRANSLATION), QUÉBEC'S HUMAN AND YOUTH RIGHTS COMMISSION

Backed by Québec's Charter of Human Rights and Freedoms, the province's human and youth rights commission – the *Commission des droits de la personne et des droits de la jeunesse du Québec* (CDPDJ) – published a report in 2007 on the existence of homophobia and heterosexism in Québec. According to the report, services and institutions need to be adapted to address this issue. Of the CDPDJ's numerous recommendations, a significant number concerned the problem of homophobia in Québec's schools.

Here are some highlights of the many recommendations made by the commission with respect to education:

13.2 Ministère de l'Éducation, du Loisir et du Sport (MÉLS)

13.2.1 Education

- 1 *The Ministry of Education, Recreation and Sports (MÉLS) must require school administrations to educate their staff (teachers, health professionals, social workers, coaches, activity leaders, etc.) about the realities of sexual minority youth, homoparental families and the issue of homophobia, paying special attention to the risk of homophobic incidents within the school.*
- 2 *MÉLS must urge school administrations to inform other personnel, including school bus drivers and student supervisors (especially those supervising lunch and recreation periods), of the realities of sexual minority youth, homoparental families and the issue of homophobia.*
- 5 *MÉLS must urge university faculties and departments to integrate courses on the realities of sexual minority youth, homoparental families and the issue of homophobia into programs, particularly in the fields of education, social sciences and health, in order to transmit this knowledge to future graduates.*
- 7 *MÉLS must urge each school's administration to ensure that pedagogical material on the realities of sexual minority youth and homoparental families is accessible on campus for staff and students.*
- 17 *MÉLS must adapt the terminology of administrative documents, including various forms, in accordance with the Act instituting civil unions and new rules of filiation which authorizes same-sex parents to have both their names appear on official documents. Follow-ups must be conducted within the various organizations attached to the Ministry.*

For the complete report click here: www.cdpedj.qc.ca/Publications/rapport_homophobie.pdf (French only)

QUÉBEC POLICY AGAINST HOMOPHOBIA

In March 2007, Québec’s Human and Youth Rights Commission released a report drafted jointly with community organizations, entitled “From Legal to Social Equality: Towards a National Strategy to Fight Homophobia” (see above). The report’s first recommendation was that the government of Québec adopt a national policy against homophobia. The *Québec Policy Against Homophobia* sets out guidelines and strategic choices based on the consensus positions defined during the work of the Commission. It hinges on four major tenets: recognize the realities faced by sexual minority members; promote respect for the rights of sexual minority members; promote wellbeing and ensure a concerted approach.

The policy acknowledges that:

« *Young people are especially vulnerable to homophobic behaviour, particularly at times when they are questioning their own sexual orientation or gender identity. Their wellbeing is often compromised because of the homophobic intimidation and violence that are present in their surroundings. Although schools are often criticized in this regard, they are not the only place where young people experience a high degree of homophobic behaviour. However, schools are the place where young people spend most of their time outside the family, and also the place where the most evidence of homophobia exists. Over the long term, one out of every two gay or lesbian adults develops suicidal ideas because of homophobic violence experienced at school.* »

The policy also notes that:

« *Special attention must be paid to support young people who, in their everyday lives, feel pressure to comply with traditional male and female stereotypes and often experience a high level of psychological distress. At school and in sports organizations, young people who are rejected by their peers tend to become isolated and are unlikely to seek the help and support to which they are entitled. The risk of suicidal thoughts or suicide attempts is between six and sixteen times greater for young gays and bisexuals than for young heterosexuals. Young lesbians are almost five times more likely to attempt suicide than heterosexual girls.* »

For the complete policy click here: www.justice.gouv.qc.ca/english/publications/rapports/pdf/homophobie-a.pdf

GOVERNMENT ACTION PLAN AGAINST HOMOPHOBIA 2011-2016

To implement the Québec Policy Against Homophobia, the Québec government launched its Action Plan Against Homophobia 2011-2016. The plan was a joint undertaking by 11 government departments. It presents 60 measures designed to provide active social, community and professional support for individuals in the LGBT community, and to increase knowledge about sexual diversity.

The plan's measures for the field of education include:

« **Nº. 6** *Make provincial, regional and local community/municipal partners in the health and education sectors aware of the realities faced by sexual minorities and of the problem of homophobia in sports.*

Nº. 13 *Work with universities to explore ways to include the topic of violence in schools, including homophobic violence, in basic teacher training programs.*

Nº. 22 *Address the realities faced by sexual minority youth in the implementation of the measures under the action plan to prevent and deal with violence, in particular in the local intervention strategy, the list of promising practices, and references tools including the publication "Homophobia: Let's Work on it Together!"*

Nº. 24 *Take homophobia into account in the implementation (development and support) of the action plans and strategies of the Ministère de l'Éducation, du Loisir et du Sport targeting social fairness and equality-based relationships, especially in sex education and academic perseverance programs.*

» For the complete Government Action Plan click here: www.justice.gouv.qc.ca/english/ministere/dossiers/homophobie/plan_action_homo_AN.pdf

MINISTRY OF EDUCATION (MÉLS) ANTI-HOMOPHOBIA REFERENCE GUIDE

In 2010 MÉLS published a reference guide called “Homophobia, Let’s Work on it Together” to help school staff to better intervene when confronted with homophobic violence. The guide looks at the telltale signs of homophobia and its impact, as well as suggesting concrete actions to improve the situation. The ‘Family Diversity’ training is included amongst the nine recommended resources listed at the end of the guide.

To reduce homophobic violence in school, amongst numerous recommendations, the ministry suggests that school staff:

- *Identify and acknowledge homophobic behaviour and the associated consequences*
- *Provide appropriate answers to young people’s questions about sexual diversity*
- *Make material on sexual diversity available and display it in the library*
- *Demystify homosexuality and sexual diversity*
- *Raise awareness among students, teachers, other staff members and parents about the manifestations of heterosexism, and about the prejudice, effects and stigma to which members of sexual minorities are subjected, particularly young people*
- *Outline the facts and myths concerning members of sexual minorities (gay, lesbian, bisexual, transsexual and transgender persons; and persons unsure about their sexual identity) and LGBT families*
- *Teach the importance of equality, inclusiveness, and healthy and respectful relationships*
- *Support initiatives and provide opportunities for meetings between sexual minority students and heterosexual students, and support initiatives to foster tolerance*

For the complete MÉLS Publication click here: www.mels.gouv.qc.ca/fileadmin/site_web/documents/dpse/serv_compl_milieu_defav/FeuilletViolence_Homophobie.pdf (French only)

CANADIAN TEACHERS' FEDERATION **ANTI-HOMOPHOBIA AND ANTI-HETEROSEXISM** POLICY

In 2004 the CTF created anti-homophobia and anti-heterosexism policy for its schools. The policy states:

1. CTF advocates for educational systems that are safe, welcoming, inclusive, and affirming for people of all sexual orientations and gender identities.

2. CTF believes:

- a) *That the role of educators is critical in creating positive societal change to address the realities of BGLTT (bisexual, gay, lesbian, transsexual and transgendered) issues for students, parents and teachers;*
- b) *That an assumption of heterosexuality as being the only sexual orientation throughout the school system denies BGLTT students and same-gender parented families affirmation and accommodation;*
- c) *That BGLTT students, staff and same-gender-parented families have the right to:*
 - *be free from harassment, discrimination and violence;*
 - *be treated fairly, equitably and with dignity;*
 - *self identification and freedom of expression;*
 - *be included and to be represented and affirmed in a positive and respectful manner;*
 - *have avenues of recourse (without fear of reprisal) available to them when they are victims of harassment, discrimination and violence;*
 - *have their cultures and communities valued and affirmed*
- d) *that efforts must be made to ensure that education prepares young people to develop open, pluralistic and democratic societies, free of discrimination or aggression based on sexual orientation and gender identity.*

For the complete policy click here (see section 5.7): www.ctf-fce.ca/Documents/BGLTTPolicies%20-English.pdf

Certain educational institutions and organizations that work with young people in Québec and Canada have already adopted non-discriminatory policies. These policies stipulate that the institution will not tolerate people being treated differently, being insulted, harassed, or attacked because they are gay, lesbian, bisexual or because someone thinks they are. Adopting and implementing this type of policy sends a clear message to young people that they are recognized, respected and equal, and that their safety and wellbeing are taken to heart. On September 1, 1999, *Commission scolaire de Montréal* (CSDM) trustees passed a resolution amending its sexual harassment policy to include sexual orientation as a motive for harassment. This resolution led to the adoption, on December 22, 1999, of the “Politique concernant les moyens de contrer le harcèlement fondé sur le sexe ou sur l’orientation sexuelle” (Policy regarding methods to counter harassment based on gender or sexual orientation). With this policy, the CSDM made the following commitments:

The CSDM intends to protect the rights of all people to an environment free of harassment based on gender or sexual orientation.

The CSDM recognizes that, in the case of harassment on the grounds of gender or sexual orientation, effective measures must be taken in order to stop it.

The CSDM recognizes that any person who believes he or she is a victim of harassment based on gender or sexual orientation has the right to be protected by support mechanisms and appropriate recourse.

As well, in the minutes of its April 2010 meeting the English Montreal School Board (EMSB):

Unanimously resolved that in support of the International Day Against Homophobia, the Board denounce homophobic acts, behaviours, remarks and attitudes and make a resolute commitment to put an end to homophobia in its institutions.

It was further resolved that the board be committed to working with unions and associations to adopt the appropriate awareness and action measures aimed at preventing homophobia in each of its institutions.

19

QUÉBEC ENGLISH SCHOOL BOARDS ASSOCIATION (QESBA)

In 2010, the Board of Directors of the Québec English School Boards Association developed a position on homophobia:

« **BE IT RESOLVED that in support of the International Day Against Homophobia, QESBA denounce homophobic acts, behaviours, remarks and attitudes and make a resolute commitment to put an end to homophobia in its institutions.**

BE IT FURTHER RESOLVED THAT QESBA be committed to working with unions and associations to adopt the appropriate awareness and action measures aimed at preventing homophobia in each of its institutions. »

20

QUÉBEC UNIONS AND PROFESSIONAL ORDERS

Several unions and professional associations have also adopted policies to combat homophobia. The *Centrale des syndicats du Québec* (CSQ), the *Confédération des syndicats nationaux* (CSN), the *Fédération des travailleurs et travailleuses du Québec* (FTQ), the *Alliance des professeurs de Montréal* and the Canadian Teachers' Federation (CTF) are some examples.

21

QUÉBEC'S PRE-SCHOOL AND PRIMARY SCHOOL PROGRAMS

The new preschool and primary programmes, approved by the Minister of Education in June 2001,²¹ make room for notions related to the acceptance of differences, as well as self-respect and respect for others: all fundamental aspects in the fight against homophobia. Furthermore, they allow teaching staff to teach about sexual diversity and homophobia in an age-appropriate manner.

END NOTES

- 1 Sharp, 1995; Kosciw et al., 2006, 2008, 2010; California Safe Schools Coalition, 2004.
- 2 Chamberland, et al. 2010.
- 3 Sharp, 1995; Kosciw et al., 2006, 2008, 2010; California Safe Schools Coalition, 2004; Chamberland et al., 2010.
- 4 Slee 1995; Benibgui, 2010; Bond, 2001.
- 5 Bond 2001; Demczuk, 2003.
- 6 Coggan, 2003; Bond, 2001; Martin & Beaulieu, 2002.
- 7 Slee, 1995; Kosciw, 2006, 2008, 2010; Dorais, 2000; Hatzenbuehler, 2011.
- 8 Slee, 1995.
- 9 Kosciw et al., 2006, 2008, 2010; California Safe Schools Coalition, 2004.
- 10 This section has been compiled to support educators in their work to promote inclusion and fight homophobia. It refers to laws, policies and legal challenges specifically pertaining to anti-homophobia education. A similar document with a focus on the protection of homoparental families is available in the module 'Homoparental Families: Society's Legal and Ethical Responsibilities' in the section 'Families with LGBTQ parents'.
- 11 <http://www.pch.gc.ca/pgm/pdp-hrp/canada/guide/eql-egl-eng.cfm>
- 12 <http://csc.lexum.org/en/1995/1995scr2-513/1995scr2-513.html>
- 13 <http://csc.lexum.org/en/1998/1998scr1-493/1998scr1-493.html>
- 14 <http://laws-lois.justice.gc.ca/fra/lois/h-6/>
- 15 <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>
- 16 <http://csc.lexum.org/en/1996/1996scr1-825/1996scr1-825.html>
- 17 <http://canlii.ca/en/bc/bcca/doc/2005/2005bcca201/2005bcca201.html>
- 18 <http://canlii.ca/en/ca/scc/doc/2001/2001scc31/2001scc31.html>
- 19 <http://www.courts.gov.bc.ca/jdb-txt/sc/04/01/2004bcsc0133.htm>
- 20 <http://www.canlii.org/en/ca/scc/doc/2002/2002scc86/2002scc86.pdf>
- 21 Ministère de l'Éducation (2001). Programme de formation de l'école québécoise : éducation préscolaire et enseignement primaire. Retrieved from : <http://collections.banq.qc.ca/ark:/52327/bs1958791>

BIBLIOGRAPHY

- Benibgui, M. (2010). *Physiological Challenges and Resilience in Lesbian, Gay and Bisexual Young Adults: Biological and Psychological Internalization of Minority Stress and Victimization*. (Doctoral dissertation, Concordia University, Montreal, Canada). Retrieved from ProQuest (AAT NR67340).
- Bond, L., Carlin, J. B., Thomas, L., Rubin, K., & Patton, G. (2001). Does bullying cause emotional problems? A prospective study of young teenagers. *British Medical Journal*, 323(7311), 480-484.
- California Safe Schools Coalition & 4-H Centre for Youth Development. (2004). *Consequences of Harassment Based on Actual or Perceived Sexual Orientation and Gender Non-Conformity and Steps for Making Schools Safer*. Davis, CA: University of California. Retrieved from www.casafeschools.org/SafePlacetoLearnLow.pdf
- Chamberland, L., Émond, G., Julien, D., Otis, J. & Ryan, W. (2010). *L'impact de l'homophobie et de la violence homophobe sur la persévérance et la réussite scolaires* (Research report, Programme Actions concertées : ministère de l'Éducation, du Loisir et du Sport et Fonds Québécois de la recherche sur la société et la culture). Montréal, Canada: Université du Québec à Montréal.
- Coggan, C., Bennett, S., Hooper, R., & Dickenson, P. (2003). Association between bullying and mental health status in New Zealand adolescents. *International Journal of Mental Health Promotion*, 5(1), 16-22.
- Commission des droits de la personne et des droits de la jeunesse – Québec (2002). Conference proceedings "Jeunes gays et lesbiennes : Quels droits et libertés à l'école ?"
- Demczuk, I. (2003). *Démystifier l'homosexualité, ça commence à l'école: guide pédagogique*. Montréal, Canada: GRIS-Montréal.
- Dorais, M. (2001). *Mort ou Fif : La Face Cachée du Suicide Chez les Garçons*. Québec, Canada: VLB.
- Hatzenbuehler, M. L. (2011). The social environment and suicide attempts in lesbian, gay, and bisexual youth, *Pediatrics*, 127(5), 896-903.
- Kosciw, J. G. & Diaz, E. M. (2006). *The 2005 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in our Nation's Schools*. New York, NY: Gay, Lesbian Straight Education Network. Retrieved from www.delawareonline.com/assets/pdf/BL509831121.PDF
- Kosciw, J. G., Diaz, E. M., & Greytak, E. A. (2008). *The 2007 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in our Nation's Schools*. New York, NY: Gay, Lesbian, Straight Education Network. Retrieved from www.glsen.org/cgi-bin/iowa/all/news/record/2340.html
- Kosciw, J. G., Greytak, E. A., Diaz, E.M., & Bartkiewicz, M. J. (2010). *The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in our Nation's Schools*. New York, NY: Gay, Lesbian, Straight Education Network. Retrieved from www.glsen.org/cgi-bin/iowa/all/news/record/2624.html
- Martin, D. & Beaulieu, A. (2001). *Intervention pour contrer l'homophobie en milieu scolaire: revue de documentation*. Services de ressources éducatives. Montréal, Canada: Commission scolaire de Montréal. Retrieved from www2.csdm.qc.ca/sassc/Documents/Productions/PV/Publications/HSRvueDoc.pdf
- Merrifield, J. & Chamberlain, J. (2006). Is your classroom in the closet? *BC Teachers Federation Teacher Newsmagazine*, 19(1). Retrieved from <http://bctf.ca/publications/NewsmagArticle.aspx?id=9170>
- Meyer, E. J. (2010). *Gender and Sexual Diversity in Schools*. New York, NY: Springer.
- Meyer, E. J. (2010). Teachers, Sexual Orientation and the Law in Canada: A Human Rights Perspective. *The Clearinghouse*, 83(3), 89-95.
- Meyer, E. (2010, November 27) *Promoting Diversity and Inclusion: Strategies to end homophobia in schools – Part 2 (legal and policy issues)*. Pre-conference workshop presented at the annual convention of the Quebec Provincial Association of Teachers, Montreal, QC.
- Sharp, S. (1995). How much does bullying hurt? The effects of bullying on the personal well-being and educational progress of secondary aged students. *Educational and Child Psychology*, 12(2), 81-88.
- Slee, P. (1995). Bullying: Health concerns of Australian secondary school students. *International Journal of Adolescence & Youth*, 5(4), 215-224



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