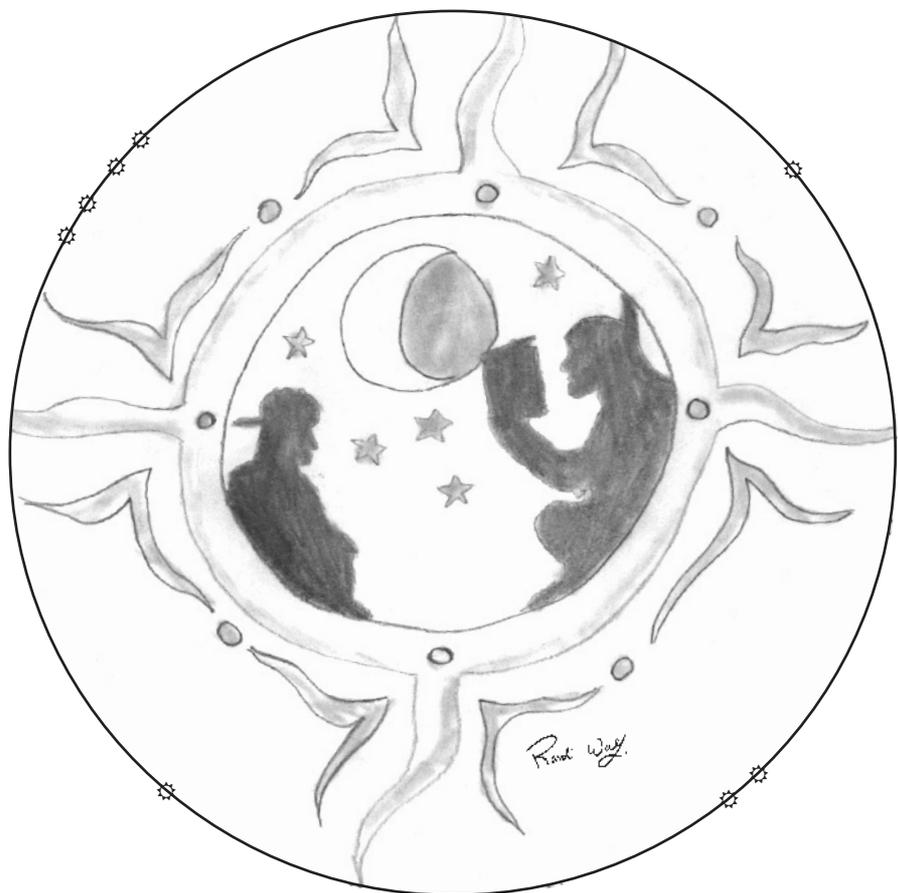




# THE RIGHTS PATH

Manācihtoḥk ✪ Manactig ✪ Ohōkičidaḗi ✪ Ohōkičilaḗi ✪ Ohogogičinabi ✪ ʔe1k'ésorudli



A handbook on human rights issues for urban Aboriginal people





## Credit to the Writer

*The Rights Path* handbook was written by Blanche Cowley-Head, Cowley Head Group Research Services, Saskatoon, Saskatchewan.

## Credit to the Translator

The translation of the subtitle to *The Rights Path*, Respect One Another, into Saskatchewan's First Nation languages was done by Saskatchewan Indian Cultural Centre, Saskatoon, Saskatchewan.

## Credit to the Artists

The illustrations in this handbook were drawn by students who submitted entries to an Art Challenge sponsored by Canada Life Assurance Company, Dean Head Law Office, Farm Credit Canada/Financement agricole Canada, Saskatchewan Indian and Gaming Authority, and SaskTel.

The winners of the Art Challenge, chosen by the Steering Committee, are from McLurg High School in Wilkie, Saskatchewan: Randi Wolf (cover), Sarah Neilsen (page 1, 11), Marsh Herzog (page 13), Andrea Shmyr (page 14), Karla Hochbaum (page 16), Michelle Cey (page 18); and Wesmor Community High School in Prince Albert, Saskatchewan: Roxanne Mercredi (page 4), Valerie Acorn (page 6), Rob Kennedy (page 8), Tyler Fleury (page 20).

Human rights and other rights are protected by laws that are enforced by many different government organizations.

The Canadian Human Rights Commission, Saskatchewan Human Rights Commission, Aboriginal Friendship Centres of Saskatchewan, Public Legal Education Association of Saskatchewan (PLEA), and Saskatchewan Intergovernmental & Aboriginal Affairs have produced this handbook to explain about rights and to show you where to turn if you are treated unfairly or without respect.

Advisory Committee reviewers: Nicole Ritchot, Canadian Human Rights Commission; Dorothy Fleming, First Nations & Inuit Health Branch; Jane Lancaster, Saskatchewan Legal Aid Commission; Ernestine Starr, Saskatchewan Social Services, Family and Youth Services; Sharon Chapman, The Children's Advocate Office; David Goldsmith, Saskatchewan Health; Rae Hart, Saskatchewan Women's Secretariat; Cheryl Mogg, Office of the Ombudsman; Donna Scott, Genevieve Leslie, Deb Anderson, Saskatchewan Human Rights Commission; Joel Janow, Public Legal Education Association of Saskatchewan; Earl Magnussen, Federation of Saskatchewan Indian Nations; Archie King, National Aboriginal Clearinghouse on Disabilities; Julie Pitzel, Saskatchewan Association of Friendship Centres; Dean Head, lawyer; Bonnie Missens, Indigenous Bar Association.

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ISBN 1-896168-22-1





# THE RIGHTS PATH

Saskatchewan

Manācihtohk ✪ Manactig ✪ Ohokīcidapī ✪ Ohokičilapi ✪ Ohogogičinabi ✪ ʔełK'ésorudli

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**Looking for information about your rights?**

**Have you run into a situation where your rights are being denied? Do you want to take action but are not sure which way to turn?**

**For more information or additional copies of *The Rights Path* handbook contact the Saskatchewan Human Rights Commission at 1-800-667-9249 or the Canadian Human Rights Commission at 1-800-999-6899.**



# INTRODUCTION

This handbook tells you what your rights are and what actions you can take to protect them.

Aboriginal people are Indian, Inuit and Metis people as defined by the Canadian Constitution. This handbook shows how urban Aboriginal people can use the laws of Canada and Saskatchewan to promote and enforce respect for their human rights. Issues related to Treaty or Metis rights are not covered because they are so complex. If you have a Treaty or Metis rights concern, contact your Band Office or local Tribal Council or other Aboriginal organizations such as the Federation of Saskatchewan Indian Nations or the Metis Nations of Saskatchewan.

## What are Human Rights?

Human rights are based on the belief that every person is important and valuable and has basic needs that must be met. When the United Nations adopted *The Universal Declaration of Human Rights* in 1948, it declared that all human beings are “free and equal in dignity and rights.”

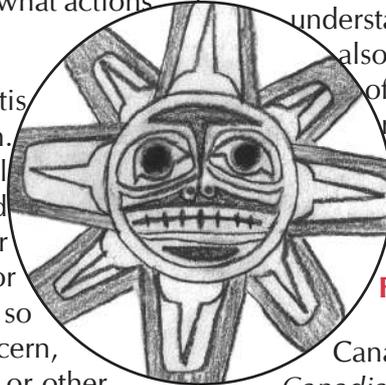
Some human rights are fundamental freedoms like the right to freedom of speech or freedom of religion. Other human rights protect people from unfair treatment because of personal qualities or the group they were born into; these are sometimes called “anti-discrimination” rights.

Discrimination can be caused by prejudice, lack of understanding, or negative attitudes. Discrimination can also be built into policies, systems and the usual way of doing things. If people need to climb stairs to reach a government office, for example, wheelchair users will be excluded from the services that office provides.

## Federal Laws Protect Human Rights

Canada has passed laws to protect human rights. The *Canadian Human Rights Act* protects people from discrimination by businesses and departments that are under federal jurisdiction or on federal lands (such as reserves). This law makes discrimination illegal if it is based on reasons such as ethnic origin, disability, or sex. These reasons are called “prohibited grounds” of discrimination. The Canadian Human Rights Commission receives and investigates complaints based on any one of the grounds listed in the *Act*.

Other federal laws deal with human rights as well. The goal of the *Employment Equity Act* is to make sure that groups like Aboriginal people receive their fair share of employment. The *Criminal Code* makes it a crime to spread hate messages against groups because of their ancestry or for other reasons.





## Provincial Laws Protect Human Rights

Every province and territory in Canada has laws that protect human rights. *The Saskatchewan Human Rights Code* promotes and protects the dignity and equal rights of people and makes it illegal to discriminate because of prohibited grounds such as ancestry, disability, or being on social assistance (see page 22 of this handbook for a complete list of “prohibited grounds” of discrimination).

Federal and provincial laws require governments to carry out their public duties to all people in Saskatchewan in a fair manner. These laws also guarantee access to services and goods that will help people look after themselves. Sometimes however, employers or service providers discriminate against certain individuals or groups.

### ***Watch out for different kinds of discrimination.***

Discrimination can be quite open and obvious. It may take the form of an insult, rude service in a store or physical violence.

*Open discrimination* can be targeted at individuals, groups or communities of people. It can take the form of graffiti, hate literature, racist jokes or the denial of jobs, housing or services.

*Hidden discrimination* is harder to spot. It is less direct – even invisible – but just as harmful. This type of discrimination can be done on purpose or it can be the result of a policy, practice or system. One example is an employer who demands a certain level of education when the job does not require it. This requirement discriminates unfairly against persons who don’t have that education but are qualified for the job in all other ways.



## How to File a Complaint

Your human rights belong to you and you are responsible for looking after them. If somebody stops you from getting goods and services that everyone else enjoys, or will not hire you for a job because of a prohibited ground of discrimination, then he or she is interfering with your rights. It is up to you to take the steps to exercise and protect your rights.

If you need someone to help you or translate for you, get in touch with one of the Friendship Centres. Their addresses and contact numbers are at the back of this handbook. They will help you decide what you want to do and how to get in touch with the right departments and organizations.

***There are two places you can file a complaint if you feel your human rights have been violated.***

***You have the right to file a complaint with the Canadian or Saskatchewan Human Rights Commission.***

## Taking Action

Here are some questions to ask yourself if you feel you have been discriminated against:

- Who do I feel has discriminated against me? Examples:
  - Someone at government departments like Social Services, Indian Affairs or Medical Services Branch
  - Landlords
  - Police, or
  - Business people like store or restaurant owners

- How did they discriminate against me? Examples are:
  - Ancestry
  - Religion or creed
  - Sex
  - Disability
- What can I do if I want to take action?
  - Write down everything that happened to you (including time, place and all possible witnesses).
  - Gather physical evidence and written materials.
  - Tell someone you know and trust. They may help you fix the problem.
  - If your concern is still unresolved, file a formal complaint with the Human Rights Commission. Do it soon - there are time limits for making complaints.
- What happens once I contact a Human Rights Commission?
  - The Human Rights Officer will listen to your problem, ask you questions, and if your problem can be dealt with, help you file a complaint.
  - An officer will investigate or mediate the complaint.
  - If an investigation supports your complaint, the Commission will try to settle it or it will send your complaint to a hearing.
  - Sometimes your complaint is dismissed. That is not a good result for you, but standing up against discrimination is always a victory in itself, even if your complaint is dismissed.
  - If your complaint is successful, you could get, for example: the job you lost, an apology, the wages you lost, the apartment you were refused, or payment for the hurt caused to you. It depends on what happened.

### **Saskatchewan Human Rights Commission**

8th Floor	3rd Floor
122 3rd Avenue N	1942 Hamilton Street
Saskatoon, SK S7K 2H6	Regina, SK S4P 3V7
Tel: (306) 933-5952	Tel: (306) 787-2530
Fax: (306) 933-7863	Fax: (306) 787-0454
Toll Free: 1-800-667-9249	Toll Free: 1-800-667-8577

### **Canadian Human Rights Commission**

Prairies (MB, SK, Northwestern ON, and Nunavut)  
 750 - 175 Hargrave Street  
 Winnipeg, MB R3C 3R8  
 Tel: (204) 983-2189 Fax: (204) 983-6132  
 Toll Free: 1-800-999-6899  
 TTY: 1-888-643-3304

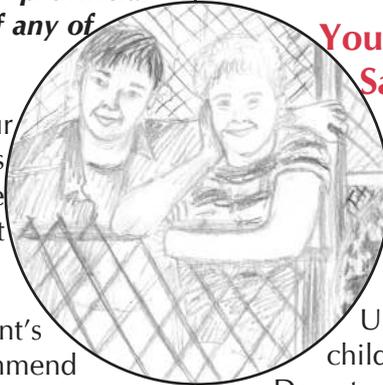
***You have the right to file a complaint with the Saskatchewan Provincial Ombudsman about decisions or actions of provincial government departments or agencies.***

- You have the right to file a complaint about the services and practices of:
  - Departments (such as Social Services and Justice);
  - Agencies (such as the Police Complaints Investigator);
  - Boards (such as the Social Services Appeals Board);
  - Commissions (such as the Saskatchewan Legal Aid Commission); and
  - Crown Corporations (such as SaskPower, SaskEnergy and SaskTel).

***You have the right to file a complaint if you feel your legal rights under Saskatchewan laws are being ignored or if you are receiving or not receiving services from provincial government departments or agencies because of any of the prohibited grounds of discrimination.***

- If the Provincial Ombudsman investigates your complaint and finds that the government's decision or action was fair, you will be informed that your complaint was not supported.
- If an investigation shows that the government's action was unfair, the Ombudsman may recommend that government correct the action. Usually government agencies make the recommended changes.

<b>Provincial Ombudsman</b>	
315 25th Street E	150 - 2401 Sask. Drive
Saskatoon, SK S7K 2H6	Regina, SK S4P 3V7
Tel: (306) 933-5500	Tel: (306) 787-6211
Fax: (306) 933-8406	Fax: (306) 787-9090
Toll Free: 1-800-667-9787	Toll Free: 1-800-667-7180



## CHILDREN'S RIGHTS

### Your Child's Rights to Protection and Safety

The *Criminal Code* protects your child's right to be safe from different types of harm. You or someone else can complain to the police if your child has been harmed.

Under *The Child and Family Services Act*, younger children are protected from abuse or neglect. The Department of Social Services will take over responsibility for the safety and well-being of your child if you, as a parent, cannot or will not ensure his or her safety and well-being. If your child is taken into protection, courts and judges step in and decide about his or her rights and interests.

### Your Child's Rights to Family

***Your child has legal rights to family when he or she has been apprehended by Social Service agencies.***

First Nations children in Saskatchewan living off-reserve fall under provincial child welfare laws and policies.

*The Child and Family Services Act* states that the best interests of your child will be taken into account when deciding his or her placement if they are taken into protection and his or her continuing access to family while in protection.

If you feel your child's legal or human rights are not being respected, then you can make a complaint to the Department of Social Services or the Children's Advocate Office.



### ***Your child has legal rights in adoption situations.***

Your First Nations child will not lose his or her status under the *Indian Act* even if adopted by non-Indian parents. *The Adoption Act* lists the different ways that adoptions can take place. An order for adoption will be granted only if it is in the best interests of your child. Examples of factors that will be taken into account are:

- Your child's physical, cultural, mental, emotional, psychological and spiritual needs; and
- Continuity in your child's care.

### ***You have the right to appeal decisions or adoption orders respecting your child.***

### ***Your child has legal rights to family in separation or divorce situations.***

Different laws make sure parents are responsible for their children where the parents were never married or were married and are separating (but not divorcing) or where there is a divorce. Courts will look after your child's right to family by taking their best interests into account when deciding about custody and access.

*Custody* means the personal guardianship of a child and includes decisions about care and upbringing. *Access* is the right of a child to spend time with the parent who does not have custody or, under *The Children's Law Act*, the right of a child to spend time with another person or persons who are found to have sufficient interest such as grandparents, aunts, uncles, or close friends of the family.

Peace officers and courts can step in to enforce custody and access orders.



## **Your Child's Rights to Advocacy Support**

### ***Your child has the right to advocacy support from the Children's Advocate Office (CAO).***

The CAO promotes the interests of, and acts as a voice for, children who have concerns about provincial government department or agency services. CAO helps children and youth up to age eighteen (or 21 in some cases).

Anyone, particularly a child or youth, can contact the CAO if they have a concern about a child or group of children receiving services from a Provincial department or agency. You can get in touch with the CAO if you have concerns that:

- Your child's or youth's interests are not being considered;
- Your child's or youth's rights are being ignored; or
- All relevant information about your child/youth may not have been considered when a decision was being made.

#### **The Children's Advocate Office**

315 25th Street E

Saskatoon, SK S7K 2H6

Tel: (306) 933-6700 Fax: (306) 933-8406

Toll Free: 1-800-322-7221

***Your child has a right to representation and advocacy within the criminal justice system.***

The law protects a young person's right to be represented by a lawyer when dealing with criminal charges. At any stage in the court proceedings, the young person can request legal representation. He or she can retain a lawyer personally or through family. If the young person is not able to hire a lawyer, he or she may be referred to Legal Aid. If Legal Aid is not available, the court may order that the young person be represented by a lawyer that is appointed by the provincial government.

If a young person does not have a lawyer, then he or she can ask to be assisted in court by an adult person. As well, a young person is entitled to have his or her parents involved and offer assistance. Parents must be informed and are encouraged to participate in addressing the young person's offending behaviour. For these reasons, parents must be given notice when a young person is arrested or given a summons to appear in court. If a parent cannot be located, then an adult relative is given this notice.

These provisions help ensure that a young person has all of the guidance and advice needed in the midst of what may be a trying and confusing time.

## EDUCATION RIGHTS

### Your Child's Rights to Education

The Education Act protects your child's right to education in Saskatchewan. If you or your child feels his or her rights are not being respected, you can talk to teachers or administrators or someone at your school board.

***Your child has the right to attend a school in the local attendance area as set by the school board without paying tuition.***

If school officials prevent or attempt to deprive your child from their right to education, you can make a complaint to the school board.

***Your child with special needs has the right to be provided with alternative educational services without paying a charge or fee.***

If you or your child disagrees with the decision regarding accommodation of special needs then you have the right to have those decisions reviewed.

***Your child has the right to be informed of reasons and be granted a hearing if they are suspended from school.***

You can appeal to the school board if your child's rights are not being respected.



***Your child has the right to a healthy and safe school environment.***

Every school has to follow laws with respect to sanitation, lighting, and communicable diseases. If you or your child has concerns, report them to your school or school board.

## **Your Rights as a Parent with Respect to Your Child's Education**

***You have the right to participate in decisions concerning your child's education.***

This right includes:

- Being informed of your child's attendance, behaviour and progress at school;
- Speaking to the teacher or principal about your child and making suggestions to help further your child's progress; and
- Going to the school division or school board if you disagree about decisions.



## **Your Rights as a Student to Post-Secondary Education**

***You have the right to apply for admission to any post-secondary education institution of your choice.***

***You have the right to apply for student assistance.***

This right includes:

- Having your application considered without discrimination; and
- Appealing if your application for assistance is rejected.

Urban Aboriginal students can apply to their First Nation or Metis Nation, or the Department of Indian Affairs and Northern Development (if they are status Indian people) for the cost of tuition fees, books and travel and living allowances, where applicable.

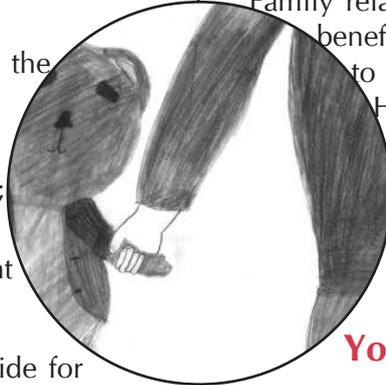
In Saskatchewan, student assistance comes directly from the Government of Saskatchewan and the Government of Canada through a division of the National Student Loan Service Centre. Both programs are administered by the Financial Assistance Branch that can be reached at 1-800-597-8278.

***You have the right to be treated with respect and without discrimination at post-secondary schools.***

This right includes:

- Making complaints against any practice of the institution which may be discriminatory;
- Appealing a mark or a discipline decision;
- Running for office on student council bodies; and
- Receiving advocacy support from student council representatives.

Most post-secondary education institutions provide for appeal processes for decisions of instructors or administrators; as well as for filing human rights complaints. Contact the Student Services office or your Student Council executive if you have concerns.



## **FAMILY RIGHTS**

Family related laws have recently been amended to extend benefits and responsibilities of legally married couples to unmarried same sex or opposite sex couples. However, no change has been made with respect to granting same sex couples the legal right to marry. The benefits and responsibilities of spouses should be checked under the different laws affecting families.

### **Your Adoption Rights as a Parent**

***You have the right to choose between several options of putting your child up for adoption.***

This right includes:

- Permanently committing your child to a child welfare authority or to the Minister of Social Services;
- Making arrangements for independent placement; or
- Having the adoption take place through an agency licensed by the Minister.

***You have the right to revoke your consent to putting your child up for adoption.***

This right includes doing so within 14 days by giving written notice to the Director of Social Services.



***You have the right to decide everything for your child once you have adopted him or her.***

Laws recently passed have terminated existing rights of a birth parent to custody or access following adoption.

***You have the right to appeal adoption orders to the courts.***

## **Your Child Welfare Rights as a Parent**

Child and Family Services has the power to intervene in a crisis, and sometimes splits families up if children need protection. In most cases, you still have a say as a parent.

***You have the right to participate in Social Services and Family Court decisions affecting your children.***

This right includes:

- Being informed of Child and Family Services decisions about the custody and well-being of your child;
- Being informed of family court hearings in advance;
- Disagreeing with Child and Family Services; and
- Getting support when disagreeing with Child and Family Services from the Children's Advocate and other agencies.



## **Your Property and Civil Rights as a Spouse**

The *Indian Act* or band bylaws may affect property or estate issues of status Indian people who are living common law or are living off-reserve. For further information on how these laws affect you, contact one of the Friendship Centres, your Band Office or your Tribal Council.

***You have the right to your own property that you owned before you entered into a spousal relationship.***

***You have the right to take steps to end your marriage if it is not working.***

You may negotiate your own agreements with your spouse, hire the help of a mediator or lawyer or go to court.

## **Your Personal Safety Rights as a Spouse**

***You have the right to be safe from abuse while you are in your relationship with your spouse or while you are in the process of ending your relationship.***

Abusive behaviour is:

- Physical abuse (hitting, unwanted physical contact, violence);
- Sexual abuse (unwanted sexual contact);
- Emotional abuse (intimidation or threats); and
- Forced confinement (when someone does not allow another person out of a place or a position for long periods of time).



*You have the right to go to emergency shelters, safe houses or transition houses for abused spouses if you feel the need to protect yourself by removing yourself and/or your children from the home.*

*You have the right to apply for different orders from the courts such as those found in **The Victims of Domestic Violence Act**.*

This Act helps fight domestic violence. The law protects men and women who suffer violence from their live-in partners, whether they are married, living common law or in a same-sex relationship. Police and family courts can assist you.

The *Criminal Code* protects everyone's rights to safety from personal harm. The police investigate crimes, arrest suspects and charge people with criminal offences.



## **Your Financial Rights as a Spouse in the Event of Marriage Breakdown**

*You have the right to apply for an equal or fair share of matrimonial property bought or acquired (such as a house or personal property) after you became legally married to your spouse.*

*You have the right to apply for financial support for yourself and your children from your spouse.*

The amount of property or maintenance payments awarded depends on many factors. You can apply to the courts for spousal and child maintenance. The Maintenance Enforcement Office helps collect maintenance or support payments ordered by the court or agreed to by two parties. The Office also enforces the payment of court orders or agreements for maintenance. Claimants (people receiving maintenance) and respondents (people paying maintenance) can both register with the Office.

### **Maintenance Enforcement Office**

100 - 3085 Albert Street

Regina, SK S4S 0B1

Tel: (306) 787-8961 Fax: (306) 787-1420

## Your Custody Rights as a Parent

***If you lived together with your child's other parent after the birth of your child, you share joint legal custody of your child.***

It does not matter whether you are married or not. Joint custody is when both parents are legally entitled to make decisions about the child about such matters as choosing your child's school and deciding whether your child will receive religious instruction.

***You have the right to apply to the courts for custody of your child in situations of separation or divorce.***

While the courts are determining your matter, you can apply for a court order called interim custody, which gives you temporary custody, care and control over your child or children.

## EMPLOYMENT RIGHTS

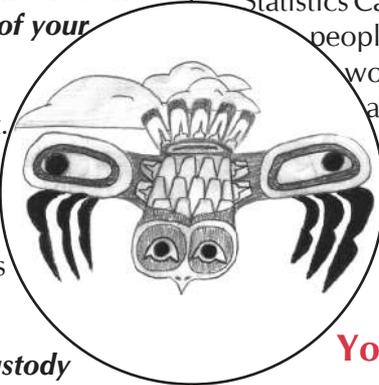
Statistics Canada figures show that in Saskatchewan, Aboriginal people, people with disabilities, visible minorities, and women tend to have high unemployment rates and are also underrepresented in certain kinds of jobs. The federal and provincial governments have passed employment equity laws to give underrepresented groups the chance to contribute to their community's economic well-being.

### Your Job Hunting Rights

***You have the right to be given fair consideration and opportunities to work within departments, agencies and businesses that are regulated by the federal government.***

As an Aboriginal person, this right includes:

- Being assessed against fair and reasonable job requirements;
- Asking if the company you are applying with has an employment equity policy; and
- Being protected from discrimination when applying for jobs.





## Your Rights in the Workplace

***You have the right when at work to be treated with respect and without discrimination.***

This right includes:

- Working free of harassment (harassment is any unwanted physical or verbal conduct that offends or humiliates you);
- Getting accurate pay records showing hours worked, rate of pay, all deductions and all benefits;
- Applying for promotions if you are qualified; and
- Getting paid the same as others doing the same work.

***You have the right to work in a safe place.***

This right includes:

- Reporting dangerous conditions to Saskatchewan Labour's Occupational Health and Safety Division;
- Making a claim to Workers' Compensation if you're injured on the job;
- Getting advocacy support from The Office of the Worker's Advocate if you are having problems with your Workers' Compensation claim;

### Office of the Worker's Advocate

3rd Floor, 1870 Albert Street  
Regina, SK S4P 3V7  
Tel: (306) 787-2456 Fax: (306) 787-0249

- Appealing the decision of the Workers' Compensation Board to the Appeals Committee; and

- Seeing your Workers' Compensation file and getting a free copy of it.

### Appeals Committee

Workers' Compensation Board  
200 - 1881 Scarth Street  
Regina, SK S4P 4L1  
Tel: (306) 787-4370

***You have the right to keep your job if you're pregnant or on parental leave.***

This right includes:

- Being able to continue working while you are pregnant;
- Asking for reasonable changes that help you continue working while you are pregnant; and
- Getting maternity leave.

***You have the right as a worker with a disability to have your needs met in the workplace.***

This right includes:

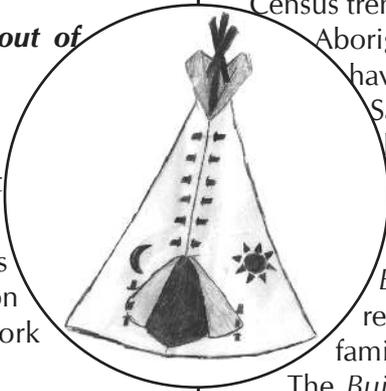
- Asking for reasonable changes that help you do your job and make your workplace accessible; and
- Being consulted on these changes.

## Your Rights if You are Fired, Laid Off or if You Quit

***You have the right to get help when you're out of work.***

This right includes:

- Applying for assistance from the government to help you find a job;
- Applying for employment insurance benefits if you lose your job or quit for a good reason such as discrimination, dangerous work conditions, or unfair labour practices;
- Getting an explanation on your claim; and
- Appealing a decision on your claim if you think you should get more money.



## SOCIAL ASSISTANCE RIGHTS

Census trends show that single parents, youth (ages 18 to 29), Aboriginal people, and people with disabilities tend to have higher unemployment levels than the rest of Saskatchewan's population. This often results in high rates of family and child poverty and reliance on social assistance.

The Government of Saskatchewan has launched a *Building Independence Initiative* that is aimed at reducing family and child poverty and helping families on social assistance become working families.

The *Building Independence Initiative* is made up of four programs: Family Health Benefits Program, Provincial Training Allowance Program, Saskatchewan Employment Supplement Program and Saskatchewan Child Benefit.

***You have the right to apply for benefits under these four programs.***

### Your Rights to Social Assistance

***You have the right to have your basic needs met.***

This right includes:

- Applying to social assistance agencies to pay for basic needs when your wages and other income fall short;
- Requesting special needs assistance for extra expenses; and
- Getting full information about your benefits.

***You have the right to protect your privacy if an agency worker investigates or visits you.***

This right includes:

- Refusing entry to a worker on surprise visits and rescheduling the visit; and
- Having your investigation kept confidential.

***You have the right to appeal decisions of social service agencies.***

This right includes when:

- Your social assistance isn't enough to meet your basic needs;
- Your social assistance is cut back or stopped completely;
- Your application is refused; and
- You weren't allowed to apply.

***You have the right to get emergency assistance while you're in appeal.***

## **Your Rights to Apply for Benefits under Other Social Programs**

***You have the right to apply for benefits under other social programs without losing your rights to social assistance.***

This right includes:

- Receiving benefits under other government social programs if you are eligible; and
- Appealing decisions denying you benefits from other government social programs for which you are eligible.

## **HOUSING RIGHTS**

Census trends show that Aboriginal people living in Saskatchewan urban centres tend to live in Saskatoon or Regina and are more likely to:

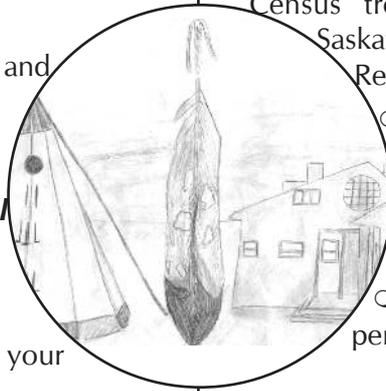
- Include a single female parent;
- Live in poverty;
- Rent;
- Live in housing that is in poor condition; and
- Because of poverty and housing issues, experience periods of homelessness.

### **Your Rights to Apply for Housing**

***You have the right to apply for provincial housing programs.***

The Saskatchewan Housing Corporation has several programs to help provide access to affordable, suitable and adequate housing for people who have an identified need and who could not afford it without assistance.

- *Social Housing Rental Program* provides rental accommodation for seniors and families throughout the province. (The rental units are managed through local housing authorities, non-profit organizations and Aboriginal non-profits);
- *Home Repair Program* is designed to assist low-income homeowners through forgivable or repayable loans and grants; and
- *Rent Supplement Program* assists low-income seniors, families and persons with disabilities to access suitable, affordable, and safe rental housing.





## Your Rights as a Renter

***You have the right when applying for housing to be treated with dignity and without discrimination.***

This right includes:

- Having your application considered without discrimination;
- Filling out a condition report;
- Getting a clear understanding of your lease before you sign; and
- Having your special housing needs met (Owners must take reasonable measures to accommodate the special needs of tenants with disabilities. For example, a ramp for wheelchairs may be reasonable, but an expensive elevator could be considered “undue hardship” on the owner).

***You have the right to be treated with dignity and without discrimination as a tenant.***

This right includes:

- Being informed in writing of a rent increase three months in advance; and
- Getting at least 24 hours notice in writing before anyone enters your suite to do repairs or inspect for damages.

***As a tenant, you have the right to live in a safe, well-maintained residence.***

This right includes:

- Your unit having safe and operating exits, fire alarms, plumbing, heat, electricity, doors and windows with good locks; and

- Complaining to city or provincial health departments if these conditions are not met.

***You have the right when moving out to be treated with respect and without discrimination.***

This right includes:

- Knowing why any of your security deposit is being withheld;
- Disputing the landlord’s claim to the security deposit; and
- Getting out of your lease without penalty if the owner performs some hurtful act, such as cutting off your water, delaying repairs or changing your locks.

***You have the right when being evicted to be treated with respect and without discrimination.***

This right includes:

- Being given warnings or notice if the landlord feels you are not living up to your responsibilities as a tenant; and
- Keeping all your possessions when leaving unless you have refused to pay the rent owed.

### Office of the Rentalsman

Main Floor	4th Floor
2151 Scarth Street	201 21st Street E
Regina, SK S4P 3V7	Saskatoon, SK S7K 2H6
Tel: (306) 787-2699	Tel: (306) 933-5680
Fax: (306) 787-5574	Fax: (306) 933-7030
Toll Free: 1-888-215-2222	

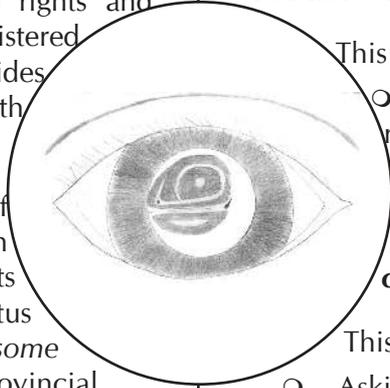
# HEALTH CARE RIGHTS

All residents of Saskatchewan are entitled to rights and benefits of the publicly-funded and publicly-administered health care system. Saskatchewan Health provides full or partial coverage of costs for many health care services by health care professionals.

The First Nations and Inuit Health Branch of Health Canada also provides additional health benefits under the Non-Insured Health Benefits Program (NIHB) for both on- and off-reserve status Indian people. The NIHB covers the costs of some health services that are not covered by Provincial, Territorial or third-party health insurance plans. Some costs covered are:

- Dental;
- Vision;
- Pharmacy;
- Medical transportation; and
- Mental health crisis services.

**Non-Insured Health Benefits**  
 First Nations and Inuit Health Branch  
 Health Canada  
 18th Floor, 1920 Broad Street  
 Regina, SK S4P 3V2  
 General Inquiries: (306) 780-5449  
 Non-Insured Health Benefits: (306) 780-7458



## Your Rights as a Patient

***You have the right to reasonable access to health care.***

This right includes:

- Getting medical care free of charge for most regular services; and
- Getting care in emergency situations.

***You have the right to participate fully in decisions concerning your medical treatment.***

This right includes:

- Asking questions and getting complete information about your health and care from your health care provider;
- Refusing treatment you're not comfortable with even if your health care provider tells you that you require that treatment; and
- Getting a second opinion.

***You have the right to be treated with respect and without discrimination when seeking or receiving medical care.***

This right includes:

- Having your medical records and conditions kept private and confidential;
- Being protected from sexual, physical, emotional, or financial abuse; and
- Being treated with dignity when undressed.



***You have the right to complain about how the health care system treats you.***

This right includes:

- Asking for and receiving information on the health care provider's qualifications; and
- Filing a complaint about services of a doctor with the College of Physicians and Surgeons.

*If you are unsure of whether you have the basis for a complaint and would like to speak to someone, the College of Physicians and Surgeons has a toll free number **1-800-667-1668**.*

***You have the right to appeal any aspect of your admission or treatment in a mental health facility.***

If you would like more information about your rights under the *Mental Health Services Act*, contact mental health services of your local health district.



## **Your Rights as a Family Member of a Patient**

***You have the right to ask for respect for someone close to you who has died or is dying.***

This right includes:

- Allowing a patient in a coma or a brain dead patient to die with dignity; and
- The Chief Medical Examiner conducting an investigation in the case of an unexpected or violent death.



# CRIMINAL JUSTICE RIGHTS

The *Criminal Code* is the law in Canada that protects individuals and property and keeps communities peaceful and safe.

## Your Rights as an Accused

***When police come to your door, you have the right to be treated with respect and without discrimination.***

This right includes:

- Denying police entry into your home if they do not have a warrant;
- Demanding to see a valid warrant before police can search your home; and
- Refusing to go anywhere with an officer until you are charged with an offence or arrested.

***You have the right to be treated with respect and without discrimination if you are arrested or charged with an offence.***

This right includes:

- Being informed that you are being arrested and of the reason for your arrest;
- Being informed of your right to get a lawyer as soon as possible, and to speak with the lawyer in private; and
- Being treated without abuse or undue force by the police.

*You can make a formal complaint to the Public Complaints Commissions of the RCMP or the local police force if you feel you have been mistreated by police.*

***You have the right when in pre-trial custody to be treated with respect and without discrimination.***

This right includes:

- Getting interpretation services if English is not your first language or if you have a communication disability;
- Being brought to court within a reasonable time; and
- Being treated with respect and without discrimination by the police, bailiffs, court staff, lawyers, and judges.

***You have the right to get assistance in dealing with court processes.***

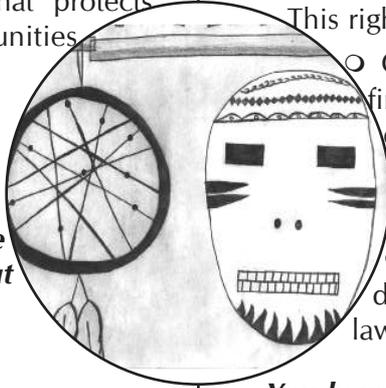
This right includes:

- Getting help from Aboriginal courtworkers (Contact your local Tribal Council or Metis Nations Office) or from Elizabeth Fry Society's Women's Court Worker Program;

### Aboriginal Courtworker Program

Saskatchewan Justice  
11th Floor, 1874 Scarth Street  
Regina, SK S4P 3V7  
Tel: (306) 787-6467 Fax: (306) 787-0078

To contact courtworker services in the court nearest you, call toll-free 1-800-514-5666.



- Being represented by a lawyer when you have to appear before a judge (if you are able to pay for a lawyer); and
- Applying for Legal Aid when you can't afford your own lawyer.

#### **Legal Aid Commission**

502 - 201 21st Street E  
Saskatoon, SK S7K 2H6  
Tel: (306) 933-5300 Fax: (306) 933-6764  
Toll Free: 1-800-667-3764

### **Your Rights as a Victim of Crime**

***You have the right as a victim of crime to be treated with respect and without discrimination.***

This right includes:

- Providing a victim impact statement to the court; and
- Applying for compensation from Saskatchewan Justice Victim Services if you're injured as a result of a crime or someone you depend on dies as a result of crime.

#### **Victim Services**

Saskatchewan Justice  
6th Floor, 1874 Scarth Street  
Regina, SK S4P 3V7  
Tel: (306) 787-3500 Fax: (306) 787-0081  
TTY: 1-800-787-3954

### **Your Rights as a Witness**

***You have the right as a witness to a crime to be treated with respect and without discrimination.***

This right includes:

- Getting witness assistance if you need to appear in court as a witness and have any questions or concerns about it; and
- Discussing the crime with a lawyer.

### **Your Rights as an Offender**

***If you have been convicted of an offence, you have the right to be considered for sentences that do not involve going to jail, depending on the nature of the offence.***

This right includes:

- Having your circumstances as an Aboriginal offender taken into account during sentencing; and
- Being considered for alternative measures such as serving your sentence in the community.

***You have the right to be treated with respect and not to be discriminated against by staff of correctional facilities or parole services.***

***You have the right to be treated with respect and without discrimination once you have served your sentence.***

## SENIORS' RIGHTS

Older adults like seniors and elders have rights and concerns that affect them directly because of their age and life stage. Different federal and provincial laws provide protections and benefits that support their independence and well-being.

First Nation seniors and elders residing off-reserve will fall under the jurisdiction of provincial laws such as *The Adult Guardianship and Co-decision-making Act*.

### Your Rights to Make Decisions

***You have the right to make decisions about personal and financial matters.***

This right includes:

- Being considered able to make your own decisions about your personal and financial matters, unless there is a danger that you may harm yourself or others and as long as you have the capacity to make those decisions;
- Having access to translation services (if your first language is not English) in order to have all the information necessary for making decisions;
- If you need someone to assist with making decisions about personal matters, having a co-decision-maker appointed; and
- If you are unable to care for yourself, having a guardian appointed.

***You have the right to apply for review of appointments of co-decision-makers and guardians.***

### Your Health Care Rights

***You have the right to access Saskatchewan Health Programs and Services that help you live as independently for as long as possible.***

This right includes:

- Getting certain home care services from Saskatchewan Health services; and
- Applying for residency in nursing or special care homes if you cannot fully care for yourself and require prolonged care.

***You have the right to complain about how the health care system or the nursing or care home treats you.***

This right includes:

- Taking up your concerns with the managers of the medical facility or nursing or care home; and
- In the case of nursing homes, making a written complaint to the Director of Special Care Homes (Sask Health).

***You have the right to make preparations for your health care if you lose your capacity to make decisions or communicate them.***

This right includes:

- Making a health care directive (a written document telling health care providers how you would like to be treated if you lose your capacity to make or communicate your health care decisions); and
- Changing or cancelling a health care directive.



## Your Income Rights

***You have the right to apply for benefits under federal and provincial government social security or social insurance programs.***

***You have the right to appeal decisions about your federal pension eligibility or benefit amount.***

### **The Pension Appeals Board**

P.O. Box 8567 Station "T"  
Ottawa, ON K1G 3H9  
Toll Free: 1-888-640-8001 Fax: (613) 995-6834

## Your Rights to be Protected from Abuse

***You have the right to be free from abuse.***

Elder abuse is a recognized problem in society. It can include:

- Physical violence (such as slapping, pushing, kicking, punching, being unnecessarily restrained);
- Neglect (such as poor food or unsanitary conditions);
- Mental abuse (such as isolation, shaming, threats); and
- Financial abuse (such as being stolen from, having money or pension cheques taken).

Older victims of abuse often depend on their abusers for food, shelter, personal care or companionship. Many victims live in their own homes or with relatives. Others live in institutions such as nursing homes, homes for the aged and chronic care hospitals. The *Criminal Code* and *The Victims of Domestic Violence Act* protect the safety and security of all citizens including seniors.



## Your Consumer Protection Rights

Laws in Saskatchewan provide protection against deceptive and unfair salespeople, or consumer "scams". *The Consumer Protection Act* also provides warranties concerning quality, durability and servicing of consumer products. The Consumer Protection Branch of Saskatchewan Justice may provide help with consumer concerns.

### **Consumer Protection Branch**

Saskatchewan Justice  
1871 Smith Street  
Regina, SK S4P 3V7  
Tel: (306) 787-5550 Fax: (306) 787-9779  
Toll Free: 1-888-374-4636



# EXPLANATION OF WORDS AND PHRASES

## **Advocate, Advocacy Support**

An advocate is someone who speaks on your behalf or helps you argue your case. An individual or group can play an advocacy role by helping people make sure their concerns are heard.

## **Appeal**

Taking a case to a higher body or decision-making level to be reviewed or heard again.

## **Complaint**

A statement or claim to a human rights commission that you have been discriminated against. A worker at a human rights commission will explain how to make a complaint.

## **Designated Group**

A disadvantaged group of people whose needs are addressed by special programs of some employers and educational institutions. In Saskatchewan, Aboriginal people are designated groups in employment equity and education equity plans.

## **Discrimination**

Discrimination means treating people differently in a way that causes harm or disadvantage. Many kinds of discrimination are illegal. (See “prohibited grounds of discrimination.”)

## **Policy**

A plan of action that guides the decisions of groups, organizations or governments.

## **Prejudice**

Negative attitudes or beliefs about a whole group of people based on stereotypes and inaccurate information.

## **Prohibited Grounds of Discrimination**

Discrimination is illegal under the *Canadian Human Rights Act* and *The Saskatchewan Human Rights Code* if it is based on one of following reasons or “prohibited grounds:”

- Ancestry - colour, race, perceived race and national or ethnic origin. All of these terms relate to the problem of racism and discrimination because of the group people are born into.
- Colour - colour of peoples’ skin.
- Religion and “religious creed” - include Aboriginal spirituality.
- Age - In Saskatchewan people are only protected against age discrimination if they are between 18 and 64 years of age. However, people of any age can complain of any other kind of discrimination. Under the *Canadian Human Rights Act*, people of any age are protected from age discrimination.
- Sex - gender. Sex discrimination includes harassment because of gender and discrimination because of pregnancy. Under the *Canadian Human Rights Act*, discrimination due to child-birth is also included under this ground.
- Sexual orientation - protects people from discrimination whether they have sexual relationships with people of the same sex or opposite sex or both.
- Marital Status - married, single, widowed, divorced, separated or living in a common law relationship.
- Family Status - You cannot be discriminated against because of who you are related to, be that your child, brother, sister, in-laws, etc.

- Disability - covers physical or mental disability and includes past or current dependency on alcohol or a drug.
- Pardoned Conviction - refers to receiving a pardon for a criminal conviction.
- Public Assistance - In *The Saskatchewan Human Rights Code*, means social assistance or welfare. This is not covered in the *Canadian Human Rights Act*.

## DIRECTORY

### Aboriginal

#### Aboriginal Friendship Centres of Saskatchewan

Eleven Friendship Centres provide support and services to First Nations and Metis people throughout Saskatchewan. Included below are Friendship Centres that are located in some of the urban centres in Saskatchewan.

##### **Battleford Indian Metis**

##### **Friendship Centre**

960 103rd Street

North Battleford, SK S9A 1K2

Tel: (306) 445-8216

Fax: (306) 445-6863

##### **Prince Albert Indian Metis Friendship Centre**

1409 First Avenue E

Prince Albert, SK S6V 2B2

Tel: (306) 764-3431

Fax: (306) 763-3205

##### **Regina Friendship Centre Corporation**

3100 Dewdney Avenue

Regina, SK S4T 0Y7

Tel: (306) 525-5459

Fax: (306) 525-3005

##### **Saskatoon Friendship Centre**

168 Wall Street

Saskatoon, SK S7K 1N4

Tel: (306) 244-0174

Fax: (306) 664-2536

##### **Yorkton Friendship Centre**



139 Dominion Avenue  
 Yorkton, SK S4N 1R5  
 Tel: (306) 782-2822  
 Fax: (306) 782-6662

**Federation of Saskatchewan Indian Nations**

200 - 103A Packham Avenue  
 Saskatoon, SK S7N 4K4  
 Tel: (306) 665-1215  
 Fax: (306) 244-4413

**Metis Nations of Saskatchewan**

219 Robin Crescent  
 Saskatoon, SK S7L 6M8  
 Tel: (306) 343-8285  
 Fax: (306) 343-0171

**Federal**

**Canadian Human Rights Commission**

(MB, SK, Northwestern ON, and Nunavut)  
 750 - 175 Hargrave Street  
 Winnipeg, MB R3C 3R8  
 Tel: (204) 983-2189  
 Fax: (204) 983-6132  
 Toll Free: 1-800-999-6899  
 TTY: 1-888-643-3304

**Other**

**Public Legal Education Association of Saskatchewan (PLEA)**

300 - 201 21st Street E  
 Saskatoon, SK S7K 0B8  
 Tel: (306) 653-1868  
 Fax: (306) 653-1869

**Provincial**

**The Children’s Advocate Office**

315 25th Street E  
 Saskatoon, SK S7K 2H6  
 Tel: (306) 933-6700  
 Fax: (306) 933-8406  
 Toll Free: 1-800-322-7221

**Provincial Ombudsman**

315 25th Street E  
 Saskatoon, SK S7K 2H6  
 Tel: (306) 933-5500  
 Fax: (306) 933-8406  
 Toll Free: 1-800-667-9787

150 - 2401 Saskatchewan Drive  
 Regina, SK S4P 3V7  
 Tel: (306) 787-6211  
 Fax: (306) 787-9090  
 Toll Free: 1-800-667-7180

**Saskatchewan Human Rights Commission**

8th Floor, 122 3rd Avenue N  
 Saskatoon, SK S7K 2H6  
 Tel: (306) 933-5952  
 Fax: (306) 933-7863  
 Toll Free: 1-800-667-9249

3rd Floor, 1942 Hamilton Street  
 Regina, SK S4P 3V7  
 Tel: (306) 787-2530  
 Fax: (306) 787-0454  
 Toll Free: 1-800-667-8577





CANADIAN HUMAN RIGHTS COMMISSION  
 COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

SASKATCHEWAN  
  
 HUMAN RIGHTS COMMISSION

ABORIGINAL FRIENDSHIP CENTRES OF SASKATCHEWAN

public legal education  
  
 association of saskatchewan



Intergovernmental & Aboriginal Affairs



## Addendum

The following information is meant to clarify and expand upon some of the points on page 15 of this handbook.

Note 1:

**You have the right when applying for housing to be treated with dignity and without discrimination.**

This right includes ...

- Filling out a condition report.  
*Filling out a condition report is a right only if the Landlord's practice is for all tenants to complete one. In that situation, if the Landlord failed or refused to allow you the opportunity to fill one out, it may be a case of discrimination. However, it is always a good practice to fill out a condition report when moving into a new rented home.*

Note 2:

**You have the right to be treated with dignity and without discrimination as a tenant.**

This right includes ...

- Getting at least 24 hours notice in writing before anyone enters your suite to do repairs or inspect for damages.  
*The Residential Tenancies Act allows a Landlord to enter your suite in certain circumstances without giving 24 hours notice. For example, the Landlord can enter at any time with your consent. Also, if there is an emergency, such as a broken water pipe, the Landlord can enter without notice to make repairs.*

Note 3:

**You have the right when moving out to be treated with respect and without discrimination.**

This right includes ...

- Getting out of the lease if the owner performs some hurtful act, such as cutting off your water, delaying repairs or changing your locks.

*When you have a complaint against the Landlord, you may want to consult with the Office of the Rentalsman. It may be necessary to issue a letter which directs the Landlord to make certain repairs. If that does not remedy your complaint, you can apply to the Rentalsman's Office, for an Order that terminates the tenancy. Alternatively, the Rentalsman may deem it necessary to order the Landlord to pay for certain repairs. In any event, you should make sure that you can get out of the lease without a penalty before you actually leave.*

Note 4:

**You have the right when being evicted to be treated with respect and without discrimination.**

This right includes ...

- Keeping all your possessions when leaving unless you have refused to pay the rent owed.  
*A residential Landlord is not allowed to keep anyone's personal property for the payment of overdue rent. Thus, you have a right to keep all of your possessions whether or not you have paid the rent owing to the Landlord.*