

REWRITING THE RULES:

Understanding Policy Change in a Diverse Canada

By Jonelle St. Aubyn



GRADE LEVEL:

10-12

SUBJECTS:

CIVICS, HISTORY, LAW,
SOCIAL STUDIES

DURATION:

3-4 CLASSES



KEY CONCEPTS AND THEMES

LGBTQIA2S+ Rights, Equality, Discrimination, Social Barriers, Oppression, Human Rights, Civil Rights



LEARNING FOCUS

Identity: How does the lesson help students to learn something about themselves and/or about others?

- What is the Modernization of Benefits and Obligations Act and what is the impact that it is having on the LGBTQIA2S+ community in Canada?
- How can students advocate for continued changes in laws to protect and improve the lives of people in the LGBTQIA2S+ community?

Skills: How does the lesson respond to or build students' skills and standards?

The following curriculum expectations were taken from Ontario's Equity and Social Justice Grade 12 course. (This lesson can also be adapted for use in Grade 10 Civics and Grade 11 and 12 Law courses.)

- **B1.3** Explain how individual and systemic factors can cause or perpetuate inequity and social injustice;
- **B1.5** Analyse how legislation, the courts, and public policy approach equity and social justice issues;
- **B2.1** Analyse the dynamics of power relations and privilege in various social settings, both historical and contemporary;
- **B2.2** Analyse the effects of bias, stereotypes, prejudice, discrimination, and oppression on individuals and groups;
- **B3.3** Demonstrate an understanding of various ways in which media and popular culture can be used to raise awareness of equity and social justice issues;
- **C1.1** Analyse the rationale for specific instances of social injustice in Canadian history;



- **D1.1** Describe how fundamental values, attitudes, and day-to-day behaviour (e.g. fair-mindedness, empathy, reflection, respecting and embracing diversity, personal language use) can contribute to equity and social justice;
- **D1.3** Analyse ways in which personal actions can empower individuals and reduce the impact of inequity or social injustice in local, national, and international contexts;
- **D1.4** Assess the effectiveness of various strategies that have been used, both historically and in the present day, to address equity and social justice issues.

Intellectualism: How does the lesson respond to or build students' knowledge and mental powers?

- Students build an understanding about the historical context of the Modernization of Benefits and Obligations Act, as well as how and why it was created.

Criticality: How does the lesson engage students' thinking about power and equity and the disruption of oppression?

- Why were same sex couples previously excluded from benefits and obligations that were being given to common-law heterosexual couples?
- What are some effective ways that citizens can push decision makers to make changes that will improve conditions for members of the LGBTQIA2S+ community?

Joy: How does the lesson impart happiness in learning something new?

- How have people fought back against homophobia in Canada and around the world? What victories have they had?
- What impact can we make in the fight against homophobia and securing equal rights for all?

The framework for this lesson is based on the book *Cultivating Genius: An Equity Framework for Culturally and Historically Responsive Literacy* by Gholdy Muhammad.

The body of the lesson has been adapted using the anti-racist framework created by Natasha Henry-Dixon.

ANTI-RACIST/OPPRESSION FRAME PRE-PLANNING

HISTORICAL CONTEXT

(How did the political, social, cultural, economic, and environmental dynamics related to the historical moment, event, and trends during a certain time and place





impact the LGBTQIA2S+ community? How did the historical context inform the actions and behaviours of the LGBTQIA2S+ community and/or attitudes towards members of the LGBTQIA2S+ community?)

The Modernization of Benefits and Obligations Act was created on June 29, 2000, prior to the creation of the Civil Marriage Act which legalized same-sex marriage in 2005. The Modernization of Benefits and Obligations Act extended certain benefits and obligations to all couples who had been cohabiting in a conjugal relationship for at least one year, not just heterosexual couples. Legalized marriage was not a requirement for couples who had been living together for at least one year to receive these benefits.

OPPRESSION AND DISCRIMINATION

(What oppression/discrimination/injustice did the group face? What were the impacts and effects? How did their sexual orientation shape the oppression they experienced? How did sexual orientation intersect with other social identities to shape the oppression experienced? What were the issues of power? What does this reveal about the state and application of human rights at that time?)

Canada has had a longstanding history of discriminatory behaviour against the LGBTQIA2S+ community, which made the creation of this Act even more important. Looking at [historical timelines](#) of LGBTQIA2S+ rights in Canada, it has been an ongoing struggle for members of the community to have their voices heard in order to end discriminatory practices against them and to ensure laws were put in place to protect their rights and freedoms.

AGENCY, CELEBRATING ACCOMPLISHMENTS AND CONTRIBUTIONS

(In what ways did LGBTQIA2S+ individuals and/or members of the LGBTQIA2S+ community challenge inequality and mobilize to improve social conditions? What did the individual and/or the community accomplish? What did they contribute to their community and to Canada?)

Although members of the LGBTQIA2S+ community have been intentionally targeted and harmed by ongoing discrimination, they have continued to [fight back](#) against the injustices they've faced.



STEP 1: MINDS ON

(A provocation to engage student interest about the topic to be taught)

Note for educators: Sensitive information will be discussed during this lesson. Please ensure that you work with your class to co-construct rules for appropriate behaviour during discussions, and remind students to approach the topic with respect, empathy, and an open mind. Establish ground rules for respectful dialogue.

Introduction to the Modernization of Benefits and Obligations Act

Before having students look at the Act, watch the GeoMinute “[Blazing a path toward marriage equality](#)” to help them gain a better understanding of where this Act came from and why it is so important for the LGBTQIA2S+ community.

After watching the video, have students use a [KWL Chart](#) to record what they knew about the fight for LGBTQIA2S+ rights in Canada, what they learned from watching the video, and what they would like to learn more about. Once students have completed their charts, have them engage in a [Think-Pair-Share](#) activity to help them get ready to examine the Modernization of Benefits and Obligations Act.

Next, initiate a class discussion and encourage students to share what they learned in the video. Afterwards, students will respond individually to one or all of the following questions:

1. Reflect on a time when you witnessed or experienced injustice. How did this experience shape your understanding of human rights and the importance of advocacy?
2. The GeoMinute video mentions the decriminalization of homosexuality and the fight for LGBTQIA2S+ rights. How do you think societal attitudes towards marginalized groups have evolved over time, and what role do you see yourself playing in promoting inclusivity and equality?
3. Everett Klipper was posthumously pardoned for his homosexuality. Can you think of a time when you or someone you know was wrongly judged or labeled? How did that experience impact your perspective on the importance of empathy and understanding?



STEP 2: ACTION

(Engaged learning activity where students can construct new knowledge through an examination of matters concerning race, racism, gender, colonialism, social class, etc.)

The goal of this second step is to have students think critically about the importance of the Modernization of Benefits and Obligations Act, while also encouraging them to consider ways we can change current laws that are discriminatory to members of the LGBTQIA2S+ community.

Before moving into the key tenets of the Act, have students identify some of the key legislative rulings that have aided in the progression of laws and rights for the LGBTQIA2S+ community, using the article “[2SLGBTQ+ Rights in Canada](#)” from the Canadian Encyclopedia. The focus should be on laws created prior to the year 2000.



KEY LEGISLATIVE CHANGES

The Modernization of Benefits and Obligations Act added the phrase “common-law” partner to a number of federal laws, including those that impacted:

- Immigration
- Old age security
- Pension benefits
- Social security
- Tax treatment

In total, 68 statutes were amended because of the Modernization of Benefits and Obligations Act.



Next, divide the class into groups of 3-4 students. Assign each group a specific aspect of the Act to research, using the following questions as their guide:

- How did the Modernization of Benefits and Obligations Act challenge existing legal frameworks?
- What social barriers did it address?
- What evidence demonstrates its importance?

Students will then choose from one of these options as a way to share their learning with the rest of the class:

- Poster
- Infographic
- Podcast
- Blog
- Vlog
- Short video

If students have another way that they would like to present, they may do so with approval from the teacher.



STEP 3: CONSOLIDATION

(Instructional strategies for coordinated sharing and discussion to check for conceptual understanding of critical learning)

Students will have 3-5 minutes to present what they learned about their assigned aspect of the Modernization of Benefits and Obligations Act. After the presentations are completed, students should have enough knowledge to engage in facilitated discussions around the following questions:

- What is the historical significance of the Act? Why was it so important?
- What were the challenges that members of the LGBTQIA2S+ community faced prior to the creation of the Act? What challenges do they continue to face today?
- What can we do as a society to keep mobilizing and advocating to change discriminatory laws and uphold rights for LGBTQIA2S+ and other marginalized communities?



STEP 4: MOTIVATING ACTION

(Actions students can engage in to effect change in an area related to the lesson focus)

Marriage Equality Around the World

Although Canada has legislation to ensure people are free to live with and marry whomever they choose, many other countries do not. What are LGBTQIA2S+ rights like in different countries? Are they as progressive

as Canada or are they more or less progressive? Which organizations and/or communities are leading the fight for equal rights for the LGBTQIA2S+ community?

Homophobia in Our Communities and/or in Canada

Students can look for examples of possible homophobia that is occurring close to home. How are members of LGBTQIA2S+ communities impacted by homophobia locally? What is being done to fight against homophobia in our local communities? Who is leading that fight?



STEP 5: EXIT TICKET

Teachers should have students complete an exit ticket based on the following questions:

- What did you learn from this lesson? (Students should be encouraged to provide concrete examples from either their own presentation or what they learned from the presentation of another group.)
- What do you want to learn more about?
- What questions do you still have?
- How does legislative change impact societal attitudes?
- What steps do you think you can take to ensure that laws and policies are in place to protect the rights of LGBTQIA2S+ community members?



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